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PRIVY COUNCIL OF SCOTLAND.

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THE REGISTER

OF THE

PRIVY COUNCIL OF SCOTLAND

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VOL. VIII.

A.D. 1607–1610.

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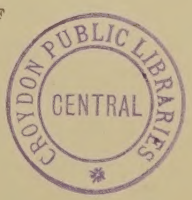

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INTRODUCTION.

THE most obvious difference between the present volume and its predecessors is the larger space here occupied by the MISCELLANEOUS PRIVY COUNCIL PAPERS. This arises from the accidental preservation of two bundles of loose documents, chiefly for March 1609 and March 1610, of a kind of which there have hardly been examples in the previous volumes. Their nature will be easily understood by a glance at the first six specimens of them, all for the 1st of March 1609, contained in pp. 777–778. On that day, six bills or petitions from various complainants were given in, which were then and there disposed of by two of the Lords of Council sitting for the purpose. "*Fiat ut petitur*" (*i.e.* "Petition granted") writes the Earl of Lothian on the backs of three of the petitions, appending his signature; "*Fiat ut petitur*" writes Sir Richard Cockburn, Lord Privy Seal, on the backs of the other three: the effect being that warrant was thus given for the issue of the Signet Letters craved by the petitioners and necessary for farther procedure. If the reader will glance along the rest of the MISCELLANEOUS PAPERS for March 1609 (pp. 778–805), he will find between eighty and ninety similar documents, purporting that such and such a Councillor, sometimes even the Chancellor himself, has sat as judge on the complaints presented and has granted the required warrant. So at several points subsequently through the rest of the volume, but most thickly again in the single month of March 1610. Now, though no particular care seems to have been taken for the preservation of such originals of bills or petitions sent in to the Council, and masses of them have con-

sequently perished, yet, as two bundles of them have come down undestroyed, these have had to be duly attended to. The result has been a considerable swelling-out of the division of the volume set apart for MISCELLANEOUS PAPERS, together with some repetition of matter, in consequence of the appearance of some of the judicial cases both in their first stage among these MISCELLANEOUS PAPERS and in their later stage or stages among the ACTA ET DECRETA and the ACTS OF CAUTION. For this increase of bulk one compensation is the closer insight obtained into the forms of the procedure of the Council. But this is not all. Some of the judicial cases of which we have a glimpse in their first stage do not seem to have gone any further; and some which did go further, and so came to be noted among the DECRETA or the ACTS OF CAUTION, did not do so until after an interval of time. Hence, and also because of the opportunity of adding details to some of the reappearing cases from the original petitions by which they were started, it did not seem proper to slur these "petitions," but to treat them on the same principles on which all the other and more regular Privy Council documents are treated.

Another peculiarity of the present volume is that, whereas in some of its predecessors there was a special division entitled ORDINANCES AND ACTS RELATING TO THE BORDERS AND THE NORTH, and whereas this gave way in the last volume to a division entitled simply THE BORDERS, the corresponding division of the present volume bears the new title of THE ISLES. The reason of this will appear in the course of this Introduction. It goes deep into the vitals of Scottish History through the time which the volume grasps.

Through the whole of the volume, extending from the beginning of November 1607 to the end of June 1610, we are still in that period of Scottish History to which we ventured to give the name of THE CHANCELLOR-PREMIERSHIP OF DUNFERMLINE, suggesting that an alternative name might be THE DUNFERMLINE AND DUNBAR ADMINISTRATION (Introd. vol. vii. pp. xiii.–xiv.). Alexander Seton, 1st Earl of Dunfermline, was still Lord High

Chancellor and the official head of the Scottish Ministry resident in Edinburgh; but George Home, 1st Earl of Dunbar, who held the other great office of Lord High Treasurer, and who, though generally resident at the English Court, occasionally came north with all but plenipotentiary authority, was still recognised as dividing with Dunfermline the real Scottish viziership. These two men were still the most conspicuous of Scottish state-dignitaries; and the present volume is to be conceived therefore as containing the materials for Scottish History through the continuation of that government,—call it either THE CHANCELLOR-PREMIERSHIP OF DUNFERMLINE or THE DUNFERMLINE AND DUNBAR ADMINISTRATION,—the first few years of which have been left behind us in the last.

Save that there were two Conventions of Estates, one in May 1608 and the other in January 1609, and one full Parliament in June 1609, the management of the business of the nation under his Majesty was still wholly in the hands of the Privy Council. There were, however, some modifications in the composition of that body in the course of the two years and eight months; and these have to be noted.

The very first entry in the volume, dated 5th November 1607, records an addition to the Council, by the King's direction from England, in the person of Sir Alexander Drummond of Medhope, a lawyer, who was soon afterwards made a judge of the Court of Session; and speedy subsequent additions were Sir Thomas Hamilton of Priestfield, an ex-judge, the father of Lord Advocate Hamilton (12th January 1608), Mr William Hart, soon afterwards knighted, but hitherto known only as Justice-Depute (19th January 1608), and Sir Andrew Murray of Balvaird (28th January 1608). Before March 1608 there was an important change of ministerial office among the former Councillors, by the transference of the *Comptrollership* from David Murray, Lord Scone, who had hitherto held it in conjunction with his Captaincy of the Guard, to Sir James Hay of Fingask, called also Lord Bewlie, who had been in the Council before without office. On the 5th of July 1608, Sir Alexander Hay, who had for some time been one of the favourite Scottish officials

about the English Court, presented himself in the Council in Edinburgh, to be sworn in, by the King's direction, both as a member of the Council and also as Scottish *Secretary of State* in conjunction with Lord Balmerino. As there was another Sir Alexander Hay already of the Council,—to wit Sir Alexander Hay of Fosterseat, one of the Lords of Session,—there might from this point be some confusion between the two; which may be avoided by recollecting that it was the judge that continued to sit most regularly at the Council Board in Scotland, while his namesake, the new Joint-Secretary, returned to the English Court, and appeared at the Scottish Council Board only at rare intervals. His admission to the Council and to the Joint-Secretaryship on the 5th of July 1608 is nevertheless an incident of real importance in the history of the Privy Council, connecting itself as it does with what may be called *The great Balmerino Business.*

No more active man in Scottish politics for the last fifteen or sixteen years than the James Elphinstone, once known as Elphinstone of Innernauchty, and subsequently as Sir James Elphinstone of Barnton, who had been raised to the peerage in April 1604 with the title of Lord Balmerino. After having been in official life as a Senator of the College of Justice since 1587, and having served on the Council in a subordinate capacity, he had been one of the famous Octavians of 1596, holding the joint-offices of the *Comptrollership* and *Collectorship* in that government. These offices he had exchanged for the *Secretaryship of State* in 1598; and he had held the *Secretaryship* ever since, both before his elevation to the peerage and after, but with the additional honour since 1605 of the *Presidency of the Court of Session.* It cannot have been pleasant for President and Secretary Balmerino, after his ten years of sole possession of the Secretaryship, to receive a colleague in that office in the King's new London favourite, Sir Alexander Hay; but he may have been reconciled to the arrangement by thinking that Sir Alexander was to be only the resident Scottish Secretary at the English Court, while all the real business of the Secretaryship within Scotland would still belong to himself. He had gone on with this impression for two months or more, when, in the end of September 1608, he received a

summons from his Majesty to attend him at Court "for some speciall occasionis." He was to be seen at the Council Board no more. The summons had been for his disgrace and ruin. At p. 166 and footnote, p. 171 footnote, p. 186 footnote, p. 191 footnote, p. 538 (Royal Letter), p. 202 and footnote, p. 540 (among the Royal Letters), p. 257, p. 260 and footnote, p. 266, and p. 272 footnote, will be found, in chronological order, the particulars of a *cause célèbre* about the most remarkable in the Scottish annals. It may be there read how King James, then engaged in a controversy with the Papacy as to the rights of his sovereignty and of monarchs generally, was annoyed by the public circulation, by Cardinal Bellarmine and other Papal advocates, of charges to the effect that he had at one time himself tended to Rome, and in particular that in 1598 he had been in secret correspondence about the affairs of Scotland with Pope Clement VIII. and some of his Cardinals; how James, remembering the facts, and remembering also that Lord Balmerino had been his Secretary at the time of the alleged correspondence,—said Balmerino having then been known as Sir James Elphinstone of Barnton, a Roman Catholic by repute anyhow,—had resolved that Balmerino should be the scape-goat in the affair; and how it was to accomplish this that he had required Balmerino's presence in England. It may be read how Balmerino, going first to Royston, and there learning for the first time the nature of the business for which he had been summoned, felt himself as if in the horrors of a trap; how, after agonising conferences with his colleague in the Secretaryship, Sir Alexander Hay, and with the Earl of Dunbar and others of the Scottish Council then about the King, he was induced to think that the most prudent course for him would be to save the King's honour in the matter of his impeached Protestantism by assuming to himself all the real guilt of the old correspondence with Pope Clement; and how, for this purpose, he drew out a written confession, to the effect that it was he who had, in his capacity of Scottish Secretary, conducting in 1598 quite an innocent correspondence with that Pope, inserted Roman Catholic matter of his own into the letters, concealing the same from his Majesty when the letters were placed before

his Majesty for his signature. It may be read how Balmerino, finding that this written confession would not be enough, but that he must go through the most extreme forms of criminal prosecution, was for a time disposed to retract the confession and to speak out at all hazards; how, having been brought to London to be arraigned for the business before a special meeting of the English Privy Council, with the English judges and some Scottish nobles present in it, he had actually prepared such a speech of retractation and defiance; but how, at the last moment, he yielded to advice from high quarters, and did not deliver this speech, but substituted for it another, in which he grovelled at the King's feet more abjectly than in his previous confession. It may be read how even so the King was not satisfied, and how the crushed wretch was sent back to Scotland for public trial for his acknowledged treason. The last four of the above-cited entries concern this trial. It took place in the Tolbooth of St Andrews on the 9th and 10th of March 1609, before Justice-Depute Sir William Hart and a number of specially appointed assessors from the Scottish nobility and Privy Council,—old friends and official comrades of the culprit. As he did not change his mood, but ratified all his previous confessions, he was necessarily found guilty; and on the 1st of April, the convict having been brought to Edinburgh, the sentence was pronounced there. It was the usual doom for high treason,—death on the scaffold by decapitation, with forfeiture of all his lands and goods. It is impossible now to conceive that it was ever intended to execute the sentence; but there seemed to be no certainty on the subject for some time. In fact, Balmerino, with the sentence of death hanging about him, was committed to what seemed likely to be a perpetual imprisonment in Falkland Palace; and the last glimpses we have of him in this volume,—*e.g.*, at p. 599 (Royal Letter), p. 711 (among the Cautions), and p. 367,—present him in this outcast state at Falkland, with the range of his movements extended, by the King's grace and on security in £40,000 Scots, to one mile round the palace. There we leave him, the most miserable of fallen Scottish statesmen, moralising on his past life and on the folly of trust in princes, and thinking

revengefully now and then what a different version of the transactions that had ruined him he might have left for posterity if his courage had been sufficient.

The obliteration of Balmerino had left his seat in the Scottish Privy Council, and his two offices, vacant. His joint *Secretaryship of State* was not filled up; and through all the latter part of this volume, accordingly, the sole Scottish Secretary was the recently appointed Sir Alexander Hay, whom the King continued to keep about him at the English court. Balmerino's other office of the *Presidency of the Court of Session* was not filled up till the 6th of June 1609, when Sir John Preston of Fentonbarns, styled now more frequently Sir John Preston of Pennicuik, who had been acting as Vice-President in the interim, was appointed to the full dignity (p. 292). He had been a judge since 1595, and a Councillor for more than ten years, with the office of the *Collectorship;* which office he continued to hold in conjunction with the *Presidentship.*

Not to be passed over without mark in this account of the personal composition of the Scottish administration through the present period is the death, on the 9th of November 1608, of John Graham, 3rd Earl of Montrose, Dunfermline's predecessor in the Chancellorship and Premiership, but in retirement since 1605 in that honorary dignity of the High Commissionership for his Majesty in Scotland which he had accepted as compensation for the loss of his previous official supremacy. See footnote at p. 190. The Earl of Montrose who figures occasionally in the sederunts of Council in this volume is not that Earl, but his son and successor, John Graham, 4th Earl, who had been already of the Council as Master of Montrose. Another death of some importance was that of the veteran Councillor Mark Ker, 1st Earl of Lothian, so long previously known to us as Commendator of Newbattle and Lord Newbattle. He died on the 8th of April 1609 (see p. 272), and was succeeded in the Earldom by his son Robert Ker, who had already been of the Council with the office of *Master of Requests,* and continues to be of the Council as 2nd Earl of Lothian. One addition has to be set against these vacancies by death. On the 20th of August 1609 there was a

King's letter nominating Sir Andrew Hamilton of Redhouse, a newly-elected Lord of Session, to be of the Council (p. 594). He was a son of Sir Thomas Hamilton of Priestfield, and brother of Sir Thomas Hamilton, the King's Advocate, so that there were now in the Council three members of that Hamilton family.

In consequence perhaps of conversations with Chancellor Dunfermline during a visit of two months which he paid to his Majesty in England late in 1609, there was a complete recast of the Scottish Privy Council in the beginning of 1610. See, among the MISCELLANEOUS PAPERS, the important King's letter, of date 20th January 1610, numbered 143 (p. 815); and connect therewith the Royal Letter of date 29th January 1610 at pp. 616–617, and the defective entries among the ACTA and the footnote at pp. 413–414 under date 13th February 1810. His Majesty, it appears, had found the existing Privy Council of his Scottish realm too unwieldy,—over ninety nominal members of it "of all estaits and conditiounis," some of them of rather shady character, and many of them attending only when it suited their convenience. In future, therefore, the Council was to consist of thirty-five persons and no more, specially nominated by his Majesty, and of whom seven were to be a quorum. This Council was to hold two ordinary meetings every week,—on Tuesdays for matters of State, and on Thursdays for judicial business; none except the Councillors themselves and the Clerk of Council were to be present at the meetings; and any Councillor who should be absent from four consecutive meetings without leave, or should allow himself to remain at the horn for debt or any other cause unrelaxed for forty days, or should not give proof of good character and sound churchmanship by receiving the communion at least once a year, was *ipso facto* to be deprived of his office. The persons nominated by his Majesty to constitute the new Council under these conditions—they are called *thirty-five* in the Royal Letter, but are only *thirty-four*—were Chancellor Dunfermline, Treasurer Dunbar, Archbishop Gledstanes of St Andrews, Archbishop Spotswood of Glasgow, the Earls of Argyle, Marischal, Mar, Montrose, Cassillis, Glencairn, Linlithgow, Wigton, Kinghorn,

Abercorn, and Lothian, the Bishop of Ross, Lords Roxburgh, Scone, Blantyre, and Burley, Privy Seal Sir Richard Cockburn, Secretary Sir Alexander Hay, Comptroller Sir James Hay, President and Collector Sir John Preston, Clerk-Register Sir John Skene, Justice-Clerk Sir John Cockburn, Lord-Advocate Sir Thomas Hamilton, Eleemosynar Sir Peter Young, Treasurer-Depute Sir John Arnott, the Master of Elphinstone, Sir Robert Melville of Murdocairny, Sir Robert Melville of Bruntisland, Sir William Livingston of Kilsyth, and Mr George Young. With the exception of the last, who is a new man, all these had been members of the now superseded Council; but the importance of the change will be understood by going back to the list of the former Council as given in the Introduction to our last volume, and seeing how many of the names in that list are now struck off. The first meeting of the reconstructed Council was on the 13th of February 1610; and the ACTA in the present volume from that point onwards,—*i.e.* from p. 413 to p. 482,—exhibit the proceedings of this reconstructed Council through the first five months of its existence. By speedy afterthought of his Majesty, the Earl of Perth was added to the new Council, completing the designated number of *thirty-five* (see Royal Letter at p. 617 and minute of Council at 427); and those of the thirty-five who were not present to be sworn in collectively at the first meeting took their oaths individually as they came in afterwards. For the additional trouble now involved in being one of his Majesty's Privy Council there was a compensation in the additional dignity attached to the office. It was to be the special privilege of every Privy Councillor henceforward, in whatever town or part of the country he might be, to intervene personally in any riot or disturbance of the peace, and to commit to prison by his own single authority, if he should think proper, any of the offending lieges.

The Council, whether while it consisted laxly of over ninety nominal members, many of them ineffective, or when it was reduced to the more compact body of thirty-five, was but the agent of the King's will. All that has been said in the Introduction to

our last volume respecting the stringency of that system of monarchical absolutism which James had succeeded in establishing in Scotland holds good throughout the present volume, and receives fresh illustration from its contents. Through this volume, as through the last, Dunfermline and all the rest of the Councillors, from the highest of the great nobles among them to the lowest of the official lawyers, are visibly only the puppets of their absent Royal Master, performing his bidding in everything, and trembling at the chance of his rebuke; and in this volume, as well as in the last, whoever would see how Scottish History was really steered in the beginning of the seventeenth century must study first always the succession of the ROYAL LETTERS, and must observe how these connect themselves at every point with the series of the ACTA. As an example of the vigilant supervision which the King exercised over his Edinburgh Council, take the Royal Letter at p. 97, incorporated by the Council in their own minutes under date 24th May 1608. The King, it there appears, dissatisfied with some recent negligence or evasiveness of the Council, had sent them another of his rebukes. Not content with mere rebuke, however, he had devised a remedy for the future. The votes of the Council in any special matter of his service, or concerning any direction he had given, were no longer to be by mere unrecorded show of hands or the like at the Council Board; but every Councillor's vote, *Ay* or *No*, on whatever motion might be before the Board, was to be punctually recorded, and the Chancellor and Secretary were to send his Majesty all such records duly certified under their hands,—"that so we may decern the goattis from the trew scheip." How humbly the Council took the rebuke, and some others which had been reaching them about the same time, may be seen from their apologetic letter to his Majesty inserted among the ROYAL LETTERS at pp. 500–502. Not that James quite neglected the method of *præmium* in his dealings with his Scottish Councillors, though employing more constantly the method of *pœna*. In the two Royal Letters at pp. 547–549, which connect themselves with a minute of Council

at p. 231 and another at pp. 233–234, it will be seen how James, in January 1609, when a Convention of Estates met in Edinburgh, took the opportunity of conferring on his two chief Scottish Councillors, Chancellor Dunfermline and Treasurer Dunbar, marks of pre-eminent distinction. Not only were they appointed jointly his Majesty's representatives in the Convention, with all the honours corresponding; but, that they might be permanently distinguished from the rest of the lieges, it was enacted that both officers should in future, whenever they appeared in public, be preceded by a macer carrying a gilt silver mace,—this to be additional in the Chancellor's case to his already customary badge of office in the shape of the great seal worn by him round his neck "inclosit in a poik." That the order was not wholly in the interest of the two men then filling the offices, but concerned also the offices themselves prospectively, was shown by the accompanying regulation that the Treasurership should in all time coming be regarded as the next State-dignity to the Chancellorship, and that the holders of these offices, even if they should chance not to be noblemen, should have public precedency over the nobility. That there was an intention of personal favour to Dunfermline and Dunbar, however, is the more manifest from the immediately subsequent entry at pp. 235–6, recording that, on the 30th January 1609, Chancellor Dunfermline was admitted to the high honour of being one of those Scottish Councillors whom his Majesty thought fit to be of his English Council as well,—the formality of swearing him in having been performed that day in the Scottish Council by the King's special warrant for the purpose to Treasurer Dunbar, so as to save the Chancellor the trouble of a journey to England. As Dunbar was of the English Council already, one sees here a design on the King's part to maintain the coequality of the two men, and, in fact, a recognition of the existing Scottish Government as describable indifferently as The Chancellor-Premiership of Dunfermline or The Dunfermline and Dunbar Administration. Its two chiefs and their colleagues in the Council were his Majesty's thralls; but his Majesty was willing that their collars should be of gold.

It remains for us, in this Introduction, to indicate those portions or suggestions of the contents of the volume which throw most light on the real course of the History of Scotland through the period concerned. The essentials may be distributed under these heads:—I. Church and Religion; II. General Civil Administration; III. The Borders; IV. The Highlands and Islands; V. Relations with England; VI. Connexion with Ireland and Expected Share in the Plantation of Ulster.

I. Church and Religion.

In one of the metrical epigrams of Drummond of Hawthornden, written about the year 1638, he comments satirically on the fact that the essence of the controversy then raging between Charles I. and the Scottish nation seemed to lie in the question whether the Scots should retain the old word *Kirk* as the name of their national apparatus for religious and ecclesiastical purposes, or should change the word, in conformity with English fashion, into *Church*. Strange, he seems to say, that there should be such a ferment over the difference between the Greek *kappa* and the Greek *chi* in the spelling of the same vocable, and such determination of the King and his Episcopal adherents to turn the *kappa* into the *chi*!—

> "The Scottish *Kirk* the English *Church* do name;
> The English *Church* the Scots a *Kirk* do call:
> *Kirk* and not *Church*! *Church* and not *Kirk*! O shame!
> Your *kappa* turn in *chi*, or perish all!"

This controversy between the *kappa* and the *chi*, if we may adopt Drummond's light epigrammatic way of describing an ecclesiastical struggle the momentous nature of which no one knew better than himself, had begun, as Drummond was aware, more than thirty years before the date at which he was writing. It was the final form of that controversy between Episcopacy and Presbyterianism which had agitated Scotland all through the reign of James, but more especially since 1596, when James had taken into his own hands the enterprise of undoing Maitland of Thirlestane's Presbyterian settlement of 1592. James's accession

to the English throne in 1603 had been a marked turning-point in the history of that old controversy. Till then, whatever reference the partisans of Episcopacy within Scotland may have naturally made all along to the Church of England as an example of constituted Episcopacy, the question between them and their Scottish Presbyterian opponents had still been only as to the proper constitution of what both parties agreed in calling *The Kirk of Scotland.* But, when James was transferred to England, and found himself the head of the Church of England, a new colour was necessarily given, both in his own thoughts and in those of his subjects of both nations, to his Scottish ecclesiastical policy. Not only, in consequence of the political connexion of the two nations, did the word *Church* become more familiar than it had hitherto been in Scottish mouths as an occasional alternative for the old native word *Kirk;* but the difference between the two names became with many a symbol of the difference between the two ecclesiastical systems. Especially in the mind of James this was the case. From the moment that he was King of England as well as of Scotland, the complete Union of the two nations by an assimilation of their laws and institutions, so that they might even sink their separate names of *England* and *Scotland* in the general name of *Great Britain*, had become, as was evidenced so abundantly in the last volume of this Register, his ruling passion ; and, as no form of the projected union was more vital in his eyes than a union ecclesiastical, it is easy to see how the design of de-Presbyterianising Scotland which he had long been prosecuting independently had begun to define itself in his thoughts more and more as consisting in nothing else than the gradual transmutation of the *Kirk of Scotland* into a northern facsimile of the *Church of England.* This conception of the King's was necessarily taken up by the Scottish Bishops and by the Episcopal party in Scotland generally, though perhaps not without reluctance in some cases. At all events, from 1603 onwards, one finds the words *Church* and *Churchmen* creeping more and more into use in the Scottish vocabulary in place of the old words *Kirk* and *Kirkmen,* and chiefly, though not exclusively, in the writings of the Episcopal and Anglicising divines.

While deputing the general, or commercial and legal, business of the Union to the English and Scottish Parliaments, negotiating with each other through two bodies of Commissioners, James had reserved entirely for himself the management of his more secret and delicate enterprise of a gradual ecclesiastical union. He had made more progress in the work he had thus reserved for himself than he had been able to make through the two Parliaments and their bodies of Commissioners in the general and more public business. By August 1607, as we saw in last volume, the general Union Negotiation between the two Parliaments had broken down, with very little achieved result; but all the while, as appeared in the same volume, James had been making steady advances in his special design for the continued de-Presbyterianising and eventual Anglicising of the Kirk of Scotland. The battle had been sharp and vehement; but the King, by adhering to his system of always marking out his individual opponents, striking them down with a strong hand, and inflicting punishment on them till they yielded or the sight of their sufferings made others yield, had been conspicuously victorious. Before the close of our last volume in October 1607 not only was the Scottish Episcopate formally complete in something like regular diocesan fashion; but the future of Scottish Episcopacy seemed to have been secured by the distribution through the country, in the dignity of the Constant Moderatorships of Presbyteries, of a number of picked clergymen who might hope to succeed to the Bishoprics when they became vacant, and had therefore an interest in maintaining the Episcopal system of things. It is at this point that we have to resume our story in the present volume.

Through the whole of the volume there may still be heard dropping shots in the dying battle between the King and the Presbyterians. The phrase "dropping shots in a dying battle" describes pretty exactly the real state of the conflict from 1607 onwards. For it must be remembered that by this time the Presbyterian chiefs and standard-bearers of the nation had all been already struck down or cleared out of the field. Andrew Melville was a prisoner in the Tower of London; his nephew

James Melville was an exile in the north of England, with return to Scotland forbidden him; John Welsh, John Forbes, Robert Durie, Andrew Duncan, John Sharp, and Alexander Strachan,—the six parish ministers who had been capitally convicted in 1606 for their pre-eminent concern in the attempted Aberdeen Assembly of the previous year,—were in exile on the Continent, under sentence of perpetual banishment from the British Islands; the eight other parish ministers who had been concerned in a minor degree in the same affair of the Aberdeen Assembly,—Charles Ferme, John Munro, John Ross, Robert Youngson, James Irving, William Forbes, James Greig, and Nathan Inglis,—were scattered in ward through distant and obscure parts of Scotland, under sentence of sequestration from their own parishes and from all public work; William Scot, John Carmichael, William Watson, James Balfour, Adam Colt, and Robert Wallace,—the six parish ministers who had been summoned to London with the two Melvilles, but had been permitted to return to Scotland after a detention of eight months,—were living in their parishes or elsewhere, effectually silenced and incapacitated by the cautions that had been required of them for their good behaviour; and the once powerful Mr Robert Bruce, unpardoned and unpardonable for his old offence to the King by his obstinate scruples as to the truth of his Majesty's version of the affair of the Gowrie Conspiracy, had been relegated into compulsory privacy and inactivity in the Highland north. So many of the chiefs and veterans being thus *hors de combat,* the battle for Presbytery, so far as it could be maintained at all, had been left to such hitherto obscurer men as might start up individually here and there, still daring to defy the Government and to take the consequences. Among such, in those first ten months of 1607 when the Linlithgow Decree of the Constant Moderatorships of Presbyteries and Synods was the all-perturbing new question, had been Messrs John Cunningham and David Henderson of the Presbytery of Irvine, Messrs William Row and Henry Livingstone of the Synod of Perth, and Messrs William Cranstoun and John Dykes of the Synod of Fife. For the particular offences of these recent Presbyterian culprits, and for the

dealings with them for their disablement and punishment, we must refer to our last volume,—only remarking that the cases of some of them, and indeed also those of some of the previous and more important culprits just enumerated, reappear in the present volume, and that it may be well for those who are interested in the details of old Scottish Presbyterian biography to consult the present volume by the Index for additional facts respecting more particularly the continued surveillance of Ferme, Munro, Balfour, Irving, Wallace, and Cranstoun. As distinct from these continued cases, as they may be called, the most interesting cases of Government prosecution of Presbyterian offenders belonging properly to this volume are the following :—

Mr WILLIAM LIVINGSTONE, minister of Monyabrock in Stirlingshire: sentenced 5th November 1607, for general Presbyterian restlessness, to confinement in his own parish (pp. 1–2).

Mr TOBIAS RAMSAY, JOHN SMYTH, Mr JAMES DEAS, JOHN CLAPPERTON, Mr DAVID HUME, Mr WILLIAM HOG, and Mr PATRICK HEPBURNE: called to account 5th November 1607 for opposing the Constant Moderatorships in the Synod of Merse and Teviotdale. RAMSAY, SMYTH, HOG, and HEPBURNE were committed prisoners to Blackness Castle.—See pp. 4–5, p. 9, pp. 12–13, and p. 20.

Mr JOHN MURRAY, minister of Leith: committed to ward in Edinburgh Castle, 12th April 1608, for a sermon reflecting on some of the ceremonies of the Church of England, which he had preached in Edinburgh a year before, but which had recently been printed in London and had attracted the King's attention. For the story of the prosecution of MURRAY see four Royal Letters in succession at p. 492, p. 493, p. 496, and p. 499, and several minutes of Council at pp. 72, 84, and 87.—Involved in MURRAY's case, and in trouble for suspected agency in the publication of his sermon, were the veteran Presbyterian layman DAVID HUME OF GODSCROFT, now best remembered for his *History of the House of Douglas*, and an Edinburgh schoolmaster named PATRICK HENDERSON.—After about a year's imprisonment in Edinburgh Castle, MURRAY had his sentence commuted into sequestration at New Abbey in Nithsdale.—See Royal Letter at pp. 563–4 and Act of Council at p. 270.

Mr DAVID CALDERWOOD, minister of Crailing, Mr JOHN BOYLE, minister of Jedburgh, and GEORGE JOHNSTON, minister of Ancrum: prosecuted and confined to their parishes in 1608 for being conspicuously refractory, in the matter of the Constant Moderatorships and in other matters, as members of the Presbytery of Jedburgh.—See the Royal Letter of date 31st May 1608 at pp. 508–510, and Acts of Council at pp. 102–104, p. 126, p. 128, and also at p. 215 and p. 217. It was in this connection that DAVID

CALDERWOOD, then a Roxburghshire parish minister, but so interesting to us now as the future historian of the Kirk, may be said to have first stepped into publicity among his countrymen.

Mr JOHN FAIRFOUL, minister of Dunfermline: called to account in October 1609 for having been in the habit of praying publicly for the restoration of the banished and warded ministers to their homes and parishes. For the commencement of this case see Royal Letter at p. 601; and for its progress see p. 375, p. 608, p. 378, p. 382, p. 385, p. 618, and pp. 434–5. FAIRFOUL was first warded in Dundee; but in March 1610 there was some relaxation in his favour, and his ward was changed to Anstruther.

These prominent cases represent, of course, a great deal of more private repression and suppression of whatever of Presbyterian energy still remained in Scotland. The substance of all the scattered information on this subject may be expressed by saying that his Majesty, after having already cut down all the taller and more conspicuous Presbyterian thistles that had been offending his eye in his survey of Scotland from the vantage ground of his English Kingship, employed the two years and eight months from November 1607 to June 1610 in removing every minor or new sprout of the Presbyterian weed that made its appearance, and in the continual passing and repassing of a heavy roller over the whole of the cleared field. Perhaps as vivid an impression of his success in this work as our volume furnishes is that obtained in the glimpse, in the footnote at p. 466, of the exiled James Melville as one of the retinue of the Earl of Dunbar from Newcastle to Berwick in May 1610, when that great nobleman was coming to Scotland to put the last touch to the King's Anti-Presbyterian policy by managing for him the General Assembly then about to meet in Glasgow. Melville, having accompanied the Earl from Newcastle to Berwick, could go no farther. In vain had the Earl tried to persuade him to give up Presbyterianism as now a lost game, leave his uncle Andrew alone in his obstinacy, accommodate himself to the King's views, and accept the Scottish bishopric which would certainly be offered him if he did. Scotland was then no country for James Melville, any more than for his uncle Andrew. He only gazed into it from Berwick, and then turned back.

All the while, however, his Majesty had not been content

with uprooting and suppressing the Presbyterian weed in Scotland, but had been busy in the constructive work of planting the cleared field more sufficiently with Episcopal forms and institutions after the Anglican model.

Throughout the volume one observes the increase of power, and of dignity in the Scottish body-politic, accorded to the Bishops. They are no longer mere titular bishops, but are going about in their dioceses, and over Scotland generally, with something of the aristocratic distinction attached to the Bishops in England. In all public documents, and in all State-assemblies, they are ranked with the highest of the nobility; and they have a corresponding share in all the national business. Not only are the two Archbishops, Gledstanes and Spotswood, important members of the Privy Council; but, till the reconstitution of the Council in February 1610, all the other bishops had the right of a seat there—Peter Blackburn of Aberdeen, Andrew Lamb of Brechin, Alexander Forbes of Caithness, George Graham of Dunblane, Alexander Lindsay of Dunkeld, Alexander Douglas of Moray, James Law of Orkney, David Lindsay of Ross, Neil Campbell of Argyle, Gavin Hamilton of Galloway, and Andrew Knox of the Isles. In the reconstituted and reduced Council the Bishop of Ross was retained along with the two Archbishops; and, though the other ten were not retained, this was because of the necessary absence of most of them in their dioceses. They could still sit and have due precedence in Parliaments and Conventions of the Estates. There is evidence, indeed, in the present volume, of the formation of that dualism of parties in the Scottish Government which became more and more visible in the rest of the reign of James, and transmitted itself, with important effects, into the reign of Charles I. The clerical party, headed by the two Archbishops, had notions of a more high-handed policy, especially in matters ecclesiastical, than pleased the laic party of the nobles and lawyers, headed by Chancellor Dunfermline; and the two parties had begun to counterscheme each other. On the whole, the three most prominent statesmen among the ecclesiastics of the kingdom at the end of the volume are Archbishop Spotswood of Glasgow, Bishop Knox

of the Isles, and Bishop Law of Orkney. Archbishop Gledstanes seems to have been gradually falling in the King's esteem, and to have done himself no good by the pertinacity with which he resuscitated some old claim of his Archiepiscopate to a right of property in the customs of St Andrews. See the King's Letter on the subject at p. 604, and a Minute of Council, of date 5th December 1609, at p. 381. The King's wish from about that time must have been to see the heavy Gledstanes out of the primacy and the abler Spotswood in his place.

In addition to the activity of the Bishops within their own dioceses or in the performance of special commissions, there were four methods by which the King made his advances towards the completion of his scheme for bringing the ecclesiastical system of Scotland into conformity with that of England :—

(1) *By the ordinary exercise of the jurisdiction of the Privy Council.*—For a long while already, as we have seen in previous volumes, it had been the habit of the Council to interfere, whether on their own motion or on appeal from aggrieved parties, with Presbyteries and other Courts of the Kirk when they over-stepped certain limits. The cases of this sort in the present volume are, therefore, no novelty. Some of them, however, are interesting,—*e.g.* that at p. 66 (recurring at p. 92), and those at p. 82, p. 328, p. 330, p. 364, p. 381, and p. 425.

(2) *By new Parliamentary Statute.*—Passing over the Conventions of Estates of May 1608 and January 1609, though the latter of these did attend somewhat to matters of Church and Religion, we come to that Parliament of June 1609 over which the Earl Marischal presided, and which is the single Parliament that met within the bounds of our present volume. In anticipation of it the King had written the important letter to Lord Advocate Hamilton, of date 24th March 1609, which will be found at p. 799 ; and a summary of the proceedings of the Parliament will be found in the footnote at pp. 304–307. The legislation of this Parliament left the Archbishops and Bishops vastly more powerful personages than they had been before. Of six or seven ecclesiastical statutes passed, all tending to this effect, those of most specific interest here were an "Act anent giveing

inevitable. At the beginning of our present volume, when the King's successes in the battle of the Constant Moderatorships had been added to all his previous successes in crushing down or expatriating the leading Presbyterian Kirkmen, the time so waited for seemed almost to have arrived. A large number of the clergy seemed then willing to see the King's Episcopal system fairly tried. Even so, however, his Majesty was in no hurry. In December 1607 the often prorogued General Assembly was again prorogued, on the ground that certain "preparatives" were necessary (p. 25–26 and footnote). For the next six months these "preparatives" were in operation,—first in the shape of visitations of the kirks of different districts by the Bishops and other ecclesiastical commissioners (p. 103 and footnote), and then in the shape of a Conference at Falkland in June 1608, in which the Bishops succeeded in smoothing matters considerably with the outstanding Presbyterians (footnote, p. 110). All being then ready, and the place of meeting having been changed from Dundee to Linlithgow (p. 117), the General Assembly did meet at the latter place in the end of July 1608. For an account of the proceedings of this Linlithgow Assembly, —to be distinguished from the more famous Linlithgow Convention of December 1606, though the King insisted on calling that an "Assembly" too,—see the footnote at pp. 139–141. By the dexterous management of the Earl of Dunbar, who sat in the Assembly as King's Commissioner, and of Bishop Law, who was Moderator, the main business of the Assembly was turned into a discussion of the ways and means of checking Roman Catholicism, and detecting and punishing its adherents, in Scotland. On this subject, on which there could be practical unanimity, the Assembly exhausted itself, the controversy between Episcopacy and Presbyterianism being staved off for lack of time, and referred to a committee for amicable consideration and future report. On the whole, by suavity and good management on the part of Dunbar and the Bishops,—not unaided, it is said, by the distribution of money among the clergy,—the Assembly at Linlithgow in July 1608 had answered the King's expectations. It was a distinct, though tacit, turning of the tide among the clergy

collectively in favour of the King's Episcopal policy. Hence the lively indications of his satisfaction mentioned in the footnote at pp. 162–163, and characterising the Royal Letter given at large in pp. 172–173. He could look forward now, indeed, to the next General Assembly as likely to be tractable to the fullest extent. Accordingly,—remembering that it was during the two years following the Linlithgow Assembly of July 1608 that the King achieved so much by his own hand in furtherance of his design,—we pass on to June 1610. In the beginning of that month, after one prorogation (p. 413 and p. 616), and after some careful immediate preparations (see footnotes at p. 466 and p. 469), another General Assembly did meet. Glasgow was the place; the Earl of Dunbar was again the King's Commissioner, but with Archbishop Gledstanes, President Preston, and Secretary Sir Alexander Hay associated with him; there was a house of 172 members, of whom 138 were clergymen, while the other 34 were nobles, lairds, and burgesses; and the House sat from Friday the 8th of June to Monday the 11th. For particulars as to the procedure, and for an enumeration of the more important Acts of the Assembly, see the footnote at pp. 473–475; and for an interesting documentary confirmation, hitherto unknown, of the fact, mentioned in that footnote, that there was a considerable expenditure of money among the clergy of the Assembly to secure their concurrence in the King's measures, see the Royal Letter which turns up unexpectedly among the Miscellaneous Papers at p. 844. It had authorised and commanded the Earl of Dunbar, in anticipation of the meeting of the Assembly, to "haif in reddynes the sowme of ten thousand "markes Scottis money, to be devydeit and dealt amonge suche "personis as you sall holde fitting by the advyise of the Arch-"bishoppis of St Androis and Glasgowe." One observes that Spotswood, in his light version of the affair in his *History*, suppresses all mention of this Royal Letter, putting 10,000 merks at Dunbar's disposal a month before the Assembly met, and of its appointment of himself, in conjunction with Archbishop Gledstanes, to advise Dunbar as to the details of the disbursement. Whether facilitated by money or not, the Acts of the Assembly

were of the most sweeping character. The clergy were to be bound henceforward by oath to acknowledge the royal supremacy in Church as well as in State; the right of calling General Assemblies, and of settling when, where, and how often, was declared to be entirely the King's; the half-yearly Provincial Synods of the clergy were henceforth to be Episcopal Diocesan Synods; the powers of the Bishops within their dioceses were further defined and secured by various special regulations; and, though the Assembly shrank from actually abolishing the inferior Church-judicatories called Presbyteries, the production by the Earl of Dunbar of the King's mandate for even that extreme measure, should it be necessary, had the effect of a virtual abolition of Presbyteries by the deliberate exclusion of the word *Presbytery* from the language of the Assembly's documents and the use of circumlocutions instead. Finally, there was an Act forbidding the reopening of any of the questions settled by this Assembly, and requiring all the clergy to submit to the conclusions arrived at, and abstain from any public challenge or discussion of them, under pain of deprivation. Little wonder that the King was highly pleased. See the Royal Proclamation of the 19th of June at pp. 472–473, congratulating his Scottish subjects on "the grite harmonie and uniformitie of myndis "amangis the nobilitie and faderis of the Churche and a nomber "of the most learned and best affectit of the ministeris in thair lait "meeting and Generall Assembley of the Churche of this King-"dome convenit in the City of Glasgu," and adding civil authority to the enactment against farther discussion of the questions that had so happily been settled.

Thus, in June 1610, was Presbytery, thing and name, voted to be at an end in Scotland. In three respects, indeed, there were still shortcomings of that Anglican church-system which the King had proposed to himself as a model. In the first place, the Episcopacy established in Scotland, so far as it had received the sanction of the Church itself, was still of the kind called Limited Episcopacy, inasmuch as the Bishops had to act in their several dioceses in concert with councils of Presbyters, and might be called to account by the whole body of the clergy in

their General Assemblies; in the second place, the ritual of the Scottish Church was still of the old Calvinistic and Presbyterian sort, bare of those forms and ceremonies which characterised the service of the Church of England; and, in the third place, the Scottish Bishops would not have been recognised as yet legitimately Bishops at all by the High-Episcopal party in England, having received Presbyterian ordination only, and lacking the consecrating virtue of the transmitted Apostolic succession. The first of these defects, however, would gradually disappear as the Bishops learnt, with the aid of the civil authorities, how to administer their offices; the second defect was to be supplied in time; and the third defect was to be rectified immediately, though not within the bounds of our present volume.

Under the head of Church and Religion has to be included another matter of independent importance. There had, in James's reign hitherto, been remarkable fluctuations in his policy towards the Scottish Roman Catholics. There had been times in which he had pursued towards them that policy of vigilance and repression which was always urged upon him by the Presbyterian kirkmen; and there had been times when he had so far relaxed this policy, and had so indulged the Roman Catholics, that these kirkmen had assailed him with sharp criticism and called in question the sincerity of his own Protestantism. Now, throughout our present volume, and no doubt in consequence of that new attitude of antagonism to the Papacy which James had assumed after his accession to the throne of England, he and his Scottish Government are seen more persistently and continuously engaged than ever before in efforts for the suppression of Roman Catholicism in Scotland.

For the first few months of the volume, indeed, the King, in his dealings with the Scottish Roman Catholics, and especially with his old friend the Marquis of Huntly, seems still disposed to leniency. See at p. 5 the charge to the Synods of Aberdeen and Moray to stop their intended excommunication of the Marquis, then living in that lax ward at Elgin to which he had been committed by previous order with a view to his conversion

to the right faith by clerical persuasions; and see at p. 9 the Council's order of 26th November 1607, in consequence of a Royal Letter of the 15th (p. 487), transferring the Marquis from Elgin to more convenient quarters in Aberdeen. In fact, he must have come to Edinburgh; for both he and his co-religionist the Earl of Angus are found in their places at five or six meetings of the Privy Council in January 1608. The Marquis's immediate notion appears to have been that it would be best for him to get out of his troubles by going abroad for a while; and, the intercession of his brother-in-law the Duke of Lennox having procured from his Majesty the necessary licence on certain conditions (p. 490), the Council in Edinburgh are found, in February and March 1608, negotiating with the Marquis accordingly (p. 491 and p. 63). Either he changed his mind, or there were difficulties about the conditions; for he is found lingering on in Edinburgh, and attending the Council once or twice even after March, though not so frequently as the Earl of Angus. Both these noblemen, in fact, remained in Scotland, with the Earl of Errol in their company as the third Roman Catholic of highest rank in the realm, to encounter the new storm that was brewing against the adherents of the Old Religion.

There had been premonitions of the storm. See, for example, the warrant at p. 50, under date 18th February 1608, for the apprehension of Gordon of Gicht and another Gordon laird in the north for their obstinate nonconformity. It is in May 1608, however, that we are aware that the storm has fully burst. See p. 87 (two entries), p. 93, and p. 94. While the last of these entries lifts the Marquis of Huntly and the Earls of Angus and Errol into the sight of the nation as the central objects of prosecution, the preceding three show how Jesuit emissaries and Roman Catholic excommunicates in general were being looked after, and fasten attention, pre-eminently among these, on Mr Gilbert Brown, ex-Abbot of New Abbey, or Sweet-Heart Abbey, in Galloway. This Mr Gilbert Brown, the last of the Abbots of Sweet-Heart, had been ever since the Reformation of 1560 one of the most conspicuous persons in Scotland for his obduracy in the old faith; and his antecedents in that character for the last

thirty years or more may be traced through vols. iv., v., vi., and vii. of this Register. Again and again in the clutches of the law, he had been at last banished; but he had recently returned from his banishment, and was once more active in his old haunts in Galloway and Nithsdale, seducing the lieges. Examples were to be made first of all of this old ex-Abbot and the three great Roman Catholic nobles. For what was done, both in the cases of these selected culprits and in the general matter, as far as to the end of July 1608, let the reader consult, in addition to the entries already cited, those he will recognise at p. 104, p. 116, p. 118, p. 119, p. 121, p. 132, p. 133, and also the Act of Caution at p. 663. The substance is that, while orders were out for seeking and arresting Jesuits and Roman Catholic agents all over the country, but especially in such deeply infected districts as Morayshire and Dumfriesshire, the procedure so far had been most definite against the old ex-Abbot Mr Gilbert Brown. He had been again apprehended by the King's Guard, not without much commotion among his friends and co-religionists in the neighbourhood of Dumfries, which broke out in armed riot against the Guard; but, as he was a very old man, and certified to be in an extreme state of decrepitude, they had not removed him to prison, but had allowed him to remain in custody in his house of New-Abbey under sufficient surety.

It is at this point that there interposes itself, to give stimulus and form to the further proceedings against the Roman Catholics, that General Assembly of the Church which sat at Linlithgow from the 26th to the 30th of July. The very characteristic of that Assembly, as we have seen, was that, by the Earl of Dunbar's management, its energies were drawn away from the internal Church controversy between Presbytery and Episcopacy, and turned against Popery and its adherents in Scotland as the common enemy. The King had given the Assembly *carte blanche* on this subject; and how eagerly the clergy availed themselves of it will appear from the summary of the proceedings of the Assembly given in the footnote at pp. 139–141. The incorrigible Huntly, in spite of his appeals for

delay, was solemnly excommunicated by the Assembly itself; the excommunications of the Earls of Angus and Errol, with that of Lord Semple, were remitted to certain Presbyteries; and all the Presbyteries and all the clergy over the country were enjoined to be active in preparing lists of Roman Catholics in their respective districts and parishes, with a view to their apprehension and their punishment by the civil authorities.

Accordingly, through the rest of the volume we see Huntly, Angus, and Errol in their condition as excommunicates that had been delivered over by the Church to the secular authorities for farther punishment. Though there had been previous orders for their warding, these seem to have been evaded, and it is not till October and November 1608 that we find clearly how they fared. See the three Royal Letters of date 2nd October at pp. 531–533, the three consequent Acts of Council of 11th October at p. 176, the entry of 27th October relative to the Earl of Angus at p. 185, the Act of Caution for the same Earl at p. 676, the entries of November 1–8 relative to Huntly and Errol at p. 186, p. 189, p. 190, and the Council's Letter to the King of 8th November at pp. 536–7. From these it appears that the Earl of Angus, having had the option given him of imprisonment at home or exile, had preferred exile, and had given security for his going abroad before the 10th of November, but that Huntly and Errol, having had no such option offered them, were fast prisoners at last,—Huntly in Stirling Castle and Errol in Dumbarton Castle. Of Angus, who went away at once to France, we hear scarcely anything more in these pages; but we have glimpses at intervals of Huntly and Errol in their respective prisons, and of the continued dealings of the King and the Council with them there.

Meanwhile the vigilance against Roman Catholics generally had been unrelaxed. Among the indications to this effect may be noted the Royal Letter at pp. 550–552, of date 13th January 1609, advising the Convention of Estates then about to meet as to certain statutes that should be passed for the civil incapacitation of excommunicates, and especially as to precautions for securing steadiness to the Protestant faith in

such young men of good families as might be allowed to travel or reside abroad for their education,—a letter the instructions of which will be found faithfully enacted by the Convention at pp. 231–232. For more minute illustrations see the case of Patrick Mortimer at p. 276, the order at p. 281 for seizing the chests of certain Jesuits and trafficking Papists that had been left in a house in the Canongate, and the case of Sir John Ogilvy at p. 317. These stray prosecutions, however, sink into insignificance in comparison with the wholesale crusade made by Archbishop Spotswood against Roman Catholicism in its Dumfriesshire fastnesses. Having received, in March 1609, a plenipotentiary commission for an ecclesiastical visitation and rectification of "that parte of the Middle Shyres which formarlie wer the Bordouris of this kingdome," the kirks and ministry of which had gone almost into decay and ruin through the by-past "barbaritie and incivilitie" of the inhabitants (see two Royal Letters at pp. 564–565 and Act of Council at pp. 266–267), Spotswood had not only set about the reparation of the kirks and the re-organization of the parochial ministry throughout the Borders, but had made a special raid into Annandale and Nithsdale, the haunts and harbourage so long of ex-Abbot Brown and other noted Roman Catholic agents. How energetically he proceeded, and with what success, may be learnt from the Royal Letter of date 31st May 1609 at pp. 584–5 and from the consequent Act of Council of 13th June at p. 301, with the footnote there. He had been the means of apprehending at last two such notorious Roman Catholic propagandists as Priest Paterson and Mr John Hamilton, the latter the uncle of the Lord Advocate; and he had gone to the town of New Abbey, broken into the chamber of Mr Gilbert Brown there, and, having found in it "a grite "nomber of popishe bookis, coapis, chalices, picturis, imageis, "and suche uther popishe trash," had publicly, "on a mercatt "day, at a grite confluence of people, in the hie streit of oure "burgh of Drumfreis," made a bonfire of all the "trash," only reserving the ex-Abbot's books, which he had delivered over to Maxwell of Kirkconnell to be forthcoming when required: for which "most notable and worthie service," besides the King's

thanks and an act of indemnity, the Archbishop was to receive the reserved books as his own by gift from his Majesty.

The year 1610 brings us back to the Marquis of Huntly and the Earl of Errol in their several confinements. The King, naturally pitying his old friend Huntly most, had added his own direct solicitations to those with which the poor Marquis was plied by the clergy employed to confer with him in Stirling Castle and convince him of his errors. A brief summary of Protestant doctrine had been sent by his Majesty to the Marquis; this the Marquis had returned with his signature attached, in token that he was willing to accept it; and the consequence was the Act of Council, of 29th March 1610, at p. 444, granting to the Marquis, by his Majesty's warrant, but under certain strict conditions, an enlargement of the bounds of his confinement to six miles round the Castle. It would appear that somehow Huntly could not bring himself to agree to the conditions; for, at the date of the meeting of that famous General Assembly at Glasgow, early in June 1610, which put an end to Presbytery, the Act in his favour does not seem to have taken effect. There having been petitions to that Assembly from Huntly and Errol for absolution from their excommunications, a committee had been appointed to consider their cases farther before granting such absolution; and the result as far as Huntly was concerned appears from the Letter to his Majesty of date 17th June 1610, which will be found at p. 625. Chancellor Dunfermline, the Earl of Dunbar, Lord Scone, President Preston, and Secretary Sir Alexander Hay, it there appears, had just had a conference with Huntly in Stirling Castle, some bishops and other clergymen in their company; and they had not found the state of Huntly's mind so satisfactory that they could yet recommend the indulgence to him for which his Majesty had given warrant. At the close of our present volume, therefore, Huntly is still a prisoner. How it fared with Errol we learn from Spotswood. "With the Earl of Arroll," says Spotswood (p. 513), "the diffi-
"culty was greater; for, when in a publick meeting of the
"Councell within the Castle of Edinburgh he had professed his
"conformity in every point of religion and made offer to sub-

" scrive, the very night after he fell in such a trouble of minde " as he went near to have killed himself. Early in the morning, " the Archbishop of Glasgow [*i.e.* Spotswood himself] being called, " he confessed his disinclination with many tears, and, beseech- " ing them that were present to bear witness of his remorse, was " hardly brought to any setling all that day. The nobleman " was of a tender heart, and of all that I have known the most " conscientious in his profession, and thereupon to his dying day " was used by the Church with greater lenity then were others " of that sect." Spotswood goes on to speak as if the Earl of Angus were still in Scotland at this date as well as Huntly and Errol. This, however, seems to be a mistake, as we have already had evidence that Angus went abroad by licence in November 1608, just when Huntly and Errol were committed to their prisons.

II. General Civil Administration.

There is abundant evidence throughout the volume of the continuance in Scotland of that system of strong central government which James had so far established before he went to England, but had fortified so remarkably by his subsequent directions thence.

No need to dwell on the continued activity of the Council in the ordinary exercise of their judicial functions. The pages of this volume, as of its predecessors, bristle with "hornings" for all kinds of offences, orders for the apprehension of "rebels" remaining at the horn, acts of lawburrows, and punishments for riots, assaults, fire-raisings, oppressions, abductions, the wearing or use of pistols and other forbidden weapons, &c., &c. In fact, caution is still necessary against possible exaggeration of the significance of these necessarily recurring particulars of the Council's judicial procedure. To be "put to the horn," or to be "his Majesty's denounced rebel," are words of dreadful sound now-a-days, but were as feathers in the wind then, and might light on any one without much inconvenience. It all depended on what the horning was *for*. One might be put to the horn for neglecting an order of Court to pay a small debt,

or for not appearing to explain why it ought not to be paid,—in which fashion Chancellor Dunfermline himself might be "at the horn" and a "rebel" again and again for a few days or a week or two; or one might be at the horn for absconding from a charge of murder or other grave crime. Nor must one make too much of the frequency even of grave crimes, and of the hornings for them or punishments of them, recorded in the Register. As we have said before, it is the crimes and other abnormal incidents of the social life of any generation that get into its official records, while the main river of the social life flows on unheeded; and it would be as unfair therefore to conceive the general state of society in Scotland long ago from the recorded incidents of this class as it would be to construe the social history of Great Britain at present out of the material supplied by police and assize reports. Accordingly, it will be enough here to note those judicial proceedings of the Government of Scotland from 1607 to 1610 which were most characteristic of that particular time.

There was unabated effort for the Suppression of Family Feuds. One of James's constant thoughts since his removal to England had been that, though he had succeeded to a considerable extent in compelling Scotland already into more civilized ways in the settlement of hereditary or recent quarrels between important families, he had left too much remnant of the detestable "weid of deidlie feid" still in that kingdom. Four years of action and direction from England had further reduced the dimensions of the evil; but the "weid" had not been altogether extirpated. It is impossible to enumerate all the appearances in the volume of the re-sprouting of old family-feuds or the outbreaks of new; but the feuds that seem to have been most persistent and troublesome were the following:—the *Crawford and Edzell Feud*, or feud between the Earl of Crawford and the Lindsays of Edzell; the *Mar and Colquhoun Feud*, or feud between the Earl of Mar and the Colquhouns of Luss; the *Lochinvar and M'Lellan Feud*, or feud between Gordon of Lochinvar and the M'Clellans in the south-west; the *Lundie and Largo Feud* in Fifeshire, originating apparently

in a dispute between Lundie of that Ilk and Wood of Largo as to the proprietorship of a pew in the parish-church of Largo; the *Irvine and Forbes Feud*, a wide-spread feud between the Irvines and Forbeses in Aberdeenshire, of which the heads were Alexander Irvine of Drum on the one side and Lord Forbes on the other; the *Glencairn and Eglinton Feud*, or continued blood-feud between the Earl of Glencairn and his Cunninghams and the Earl of Eglinton and his Montgomerys; the *Ker and Turnbull Feud*, or feud between the Kers of Fernihirst and the Turnbulls of Minto; the *Caithness and Orkney Feud*, or feud between the Earls of Caithness and Orkney; the *Small and Pattullo Feud*, or feud between the Smalls and the Pattullos; the *Ochiltree and Douglas Feud*, or feud between Lord Stewart of Ochiltree and his Stewart kin and adherents and Lord Douglas and his Douglas kin and adherents; the *Thirlstane and Tushielaw Feud*, or feud between the Scotts of Thirlstane and the Scotts of Tushielaw, involving other branches of the Scotts in the Border counties; and the *Haig and Haliburton Feud*, or feud between the Haigs and Haliburtons in the same region.

The dealings of the Council with these feuds, and the direct interferences of the King by Royal Letter in some of them, may be traced by the Index; and we need here refer only to the special new incident in the Ochiltree and Douglas Feud which revived that old feud with fresh intensity. In the footnote at p. 129, where there is a summary of the previous history of the feud, will be found the particulars of this incident. It was the slaughter, on the 14th of July 1608, in the High Street of Edinburgh, by William Stewart, a scion of the Ochiltree house, of that James Douglas of Parkhead, a nephew of Regent Morton, and more recently known as Lord Torthorwald, who, as long ago as 1596, had revenged the ruin and death of Morton in 1581 by the assassination of Morton's first enemy and accuser, Captain James Stewart of Ochiltree, afterwards so notorious in Scottish History for his anti-Presbyterian and despotic Premiership for James from 1583 to 1585 under the usurped title of Earl of Arran. The effects

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of this Torthorwald Slaughter, as it was called, as an intensifying incident in the Ochiltree-Douglas feud, may be traced in the mentions of that feud in the present volume from p. 129 onwards. In this feud, as in the others, the constant practice of the King and Council was to keep the two parties under as strict watch as possible, binding them over to keep the peace to each other under heavy penalties, inflicting these penalties or committing the offenders to ward on any infringement of the peace, and meanwhile making every exertion to induce the parties to profess reconciliation, or to submit their quarrels to friendly arbitration or the ordinary course of law. For one signal instance of their success, see the ending of the Glencairn-Eglinton feud and its ramifications at pp. 262–263, with the King's letter of thanks to the Council for their exertions in that business at p. 569, and the Council's letter of thanks to the Earl of Wigton at p. 585. The King's letter, dated 31st March 1609, is worth quoting here. "We haif bene certifyed," he says, "of "your panes taikin in the removing of that feid betuix the "Cunynghames and Montgomeryis, and of the reconsiliatioun "maid betuix all of that name being of ony worth and qualitye; "and, since this is the last that remanit in that whole kingdome "of ony consequence, we ar most glaid that it is takin up by the "roote, and do yeald unto you most hairty thankis thairfoir." In other parts of the volume James is found using similar language, and taking credit to himself for having so long ago discerned that the extirpation of feuds in his native kingdom would be remembered as one of his labours of Hercules.

No less characteristic of the Scottish Government from 1607 to 1610 than the dealings with the lingering family feuds were some of the important Criminal Prosecutions of those years. The great Balmerino State-Trial has already been noticed; but of the other forty or more prosecutions of the period that figure in Pitcairn's Collection of Criminal Trials (from p. 531 of vol. ii. to p. 80 of vol. iii.) some were of sufficient historical celebrity to deserve mention here:—On the 6th of November 1607 John Forbes, brother of the Laird of Corsindae, was tried and sentenced to death for various crimes of tumult and slaughter in

the north, committed by himself and his accomplices of the so-called "Society of the Boys" in those parts. To this case, which connects itself with the feud between the Irvines and the Forbeses, there are various references in the present volume, traceable by the Index. Trials similarly connecting themselves with the contemporary family feuds were that of Sir David Lindsay of Edzell and his son Alexander Lindsay, on 19th September 1609, for art and part in the slaughter of Lord Spynie in the High Street of Edinburgh in June 1607, and that of Lord Ochiltree and his servant Andrew Stewart, on the following day, for art and part in the Torthorwald slaughter in July 1608. There being no appearance for the prosecution in either case, the parties were dismissed from the bar; and, in fact, the trials had been pre-arranged with this view, and in order to clear the old Laird of Edzell from all culpability in that accidental slaughter of Lord Spynie by young Edzell which had been the intensifying incident in the old Crawford-Edzell feud, and Lord Ochiltree from all culpability in that assassination of Lord Torthorwald which had been the intensifying incident in the old Stewart-Douglas feud. Entries bearing on these trials will also be found by the Index. Another of Pitcairn's Trials respecting which there is a good deal of matter in this volume is that, on 31st May 1608 and subsequent days, of Margaret Hartsyde and her husband John Buchanan, recently in the service of their Majesties in England, on a charge of having abstracted pearls and jewels belonging to the Queen. For particulars relating to this famous case, see, in chronological order, pp. 79–80 with footnote, p. 98, p. 516 (where his Majesty comments on the impudence of a great number of the Edinburgh lawyers in having put forth a conjunct opinion adverse to the Crown on the legal rights of the case, and calls them "those pettyfoggeris"), p. 517 and footnote, p. 148, p. 216, p. 544, pp. 573–575, p. 286, and p. 580. Another exciting trial was that of John Stewart, son of the late Lord Doune, for hamesucken and murder under trust. For the story of this unfortunate youth, whom the Council would fain have seen reprieved on account of his high family-connections, but whom James ordered peremptorily to the scaffold, see p. 602,

p. 370, p. 371, p. 604, p. 374, p. 377, pp. 610–611, and p. 386.

All in all, however, the most important criminal prosecution in the present volume, next to that of Lord Balmerino, is that of Lord Maxwell. Noted through our last volume for many instances of "ryott and insolence," this nobleman, a Roman Catholic by religion, and the chief representative of the Maxwells of the West Border in their long feud with the Johnstones, is found at the commencement of our present volume an impatient prisoner in Edinburgh Castle for some of his former defaults (p. 2). He is still there on the 3rd of December 1607, his brother Robert Maxwell of Dinwiddie in his company; but lo! on the night of the 4th they have broken ward and made their escape. For the story of this marvellous escape, plotted between the Maxwells and the notorious Celtic criminal Sir James Mackoneil or Macdonald, then their fellow-prisoner in the Castle on independent grounds, see p. 17 and footnote there. Macdonald, having sprained his ankle, was recaptured at the foot of the Castle Rock; but the Maxwells got clear off. Their breach of the King's ward in such circumstances amounting to the crime of treason by the Scottish law, there followed the hue and cry after them, with denunciations, warrants for their apprehension, examinations of witnesses, summonses to themselves, charges to surrender their houses, prohibitions against the reset of them by any of their kin or adherents, &c., &c., specimens of which will be found at p. 19, p. 487, p. 20, p. 24, p. 28, p. 29, pp. 765–6, p. 488, p. 33, p. 36, p. 37, p. 45, p. 491, p. 48, p. 492, p. 69, and also among the Acts of Caution. This series of entries brings us to April 1608, Lord Maxwell evading or defying all the efforts for his pursuit and capture, and riding about at large among his Maxwells in Dumfriesshire. Suddenly from those parts came the news of a new and desperate deed of his, eclipsing all his former crimes. This was the treacherous assassination of his great family enemy, the Laird of Johnstone, at a tryst which had been arranged between them, ostensibly with a view to a reconciliation of their differences, and so to the use by Maxwell in his present straits of Johnstone's friendly

offices in his behalf with the King and Council. For the facts see p. 70 and footnote, or more in detail in No. 11 of the MISCELLANEOUS PAPERS at pp. 769–773. The atrocity caused extraordinary excitement; and the hue and cry after Lord Maxwell was redoubled. See the proclamation for taking him dead or alive at p. 83, the Royal Letter ordering activity against his resetters at p. 500, and the consequent proceedings of the Council in May 1608 against some of these resetters, and against certain townsmen of Dumfries for riot and mobbing in Lord Maxwell's behalf, at p. 85–86 and p. 90. The criminal still contrived to baffle pursuit; and, though we hear of quest of him for some months in 1608, and of continued action against his resetters and against his sympathisers among the Dumfries people to as late as February 1609,—*e.g.*, at p. 169, p. 230, p. 245, and in contemporary Acts of Caution,—we become aware that he had at last put himself beyond reach by escaping abroad. All that could then be done was to make preparations for his trial in his absence by the approaching Parliament. For notes of these preparations see p. 781, p. 300, and pp. 805–808. When the Parliament did meet (17th–24th June 1609), one of its principal proceedings, as is mentioned in the abstract of them given in the footnote at pp. 304–307, was the trial of Lord Maxwell. He was indicted on three distinct charges of treason—(1) For treasonable fire-raising and the slaughter of certain Johnstones in a particular town in Dumfriesshire in February 1602, (2) For treasonably breaking from his ward in Edinburgh Castle in December 1607, (3) For the treasonable murder under trust of the Laird of Johnstone in April 1608. Found guilty on the evidence that had been prepared and was produced, he was sentenced in his absence to death, loss of all his honours, and the forfaulture of all his estates and goods. Through all of our present volume that follows June 1609 he is to be imagined, therefore, as a forfaulted fugitive abroad, with the death-sentence hanging over him should he ever return to Scotland. How it was to end with him was not to be seen for a year or two. Of his brother, Robert Maxwell of Dinwiddie, there is a glimpse in the entry at p. 343, under date 3rd August 1609, when he is

found a prisoner again in Edinburgh Castle, but with the indulgence of "craig-leive" (which seems to mean liberty of the range of the Castle rock) under heavy caution.

It was within the time embraced in the present volume that there occurred the fag-end of the old affair of the Gowrie Conspiracy. It consisted in the arrest, in April 1608, of a certain George Sprott, a notary in Eyemouth, and in the consequences of that arrest. Sprott, the cause of whose arrest had been his own imprudence in bragging to his neighbours that he knew more of the great Gowrie Conspiracy affair than other people, had, in his examinations before the Council, some of them under torture, added certain astounding facts or fictions (for it was doubted at the time, and is still doubted by some, whether they were the one or the other) to all that had been previously known or surmised respecting the conspiracy from the original investigations of 1600. In substance they were that one of the chiefs of the conspiracy had been the late Robert Logan, Laird of Restalrig, who had died in July 1606, after a life of sufficiently dark notoriety on other accounts, but quite unsuspected of connection with this particular treason,—Sprott, however, having been in the secret during the Laird's lifetime, from the accident that he had seen letters, one of which he had purloined and kept in his possession, proving that the Laird had been in correspondence with the two Gowrie brothers, and had concocted a scheme with them for the seizure and abduction of the King. Tried on the 12th of August 1608 for this concealment of treason, and found guilty on his own confession, Sprott was hanged on the same day in the High Street of Edinburgh. See more particulars in the footnote at pp. 150–152; also one or two relative entries in the text of p. 152 and p. 605; also the attested narrative of the execution, including the singular dying speech of the poor wretch, given in full at pp. 773–775. The matter did not end here. By search among Sprott's papers, or by other means, farther evidence was collected implicating the deceased Logan of Restalrig with the great treason of 1600; and, Lord Advocate Hamilton having been instructed in February 1609 to prepare the case for the

coming Parliament (p. 246), one of the chief proceedings of that memorable Parliament, when it met in June, was the trial of the dead man,—his disinterred skeleton brought into Court for that purpose,—for art and part in the Gowrie Conspiracy. It was on this occasion that there were first produced those five famous Logan Letters, much referred to since in all accounts of the Conspiracy and discussions of the facts, the originals of which are among the curiosities of the Scottish Register House. Chiefly on the evidence of these the dead Logan was found guilty, and there was sentence of infamy on his name and memory and of forfaulture of all his estates. See footnote at pp. 306–307; and, for proof of the extreme interest which his Majesty took in the trial and in all connected with it, see also, at p. 814, his missive to Sir John Skene, Clerk of Register, commanding him to take care that the Logan Letters and all of Sprott's depositions that concerned the same matter should be duly engrossed in the Records of Parliament.

Indeed, his Majesty, though the Gowrie Conspiracy was then nearly ten years in the past, seems never to have been able to get it out of his head, but to have followed every new scent of it with the pertinacity of a sleuth-hound. Note, at p. 305, the order to Lord Advocate Hamilton to prosecute Spalding of Eshintully for reset of Alexander Ruthven, and, at p. 385, p. 406, p. 413, p. 451, p. 623, and p. 844, the more mysterious references to a certain Harry Freeland (miswritten "Alexander Freeland" in some of these entries), ending with a Royal Letter in March 1610 empowering Chancellor Dunfermline, Lord Scone, President Preston, Lord Advocate Hamilton, and Justice Clerk Cockburn to put the said Freeland and his accuser to torture, if necessary, in order to elicit the truth. The entries are not very intelligible as they stand in the text, but are cleared up by information in *Pitcairn's Criminal Trials.* From pp. 202–203 of vol. iii of that work it appears that David Spalding of Eshintully *was* brought to trial, though not till November 1611, for alleged "tressonable resset and intercowmoning with Mr Alex-
" ander Ruthven, sone to umquhile Alexander Ruthven of
" Freland, and suppoirting of him with money and uther inter-

" tenement, he being his Majesteis declairit tratour, fforfalt in " Parliament and fugitive for airt and pairt of the tressonable " assisting and pairt-taking with Johnne, sumtyme Erle of " Gowrie, Alexander Ruthven his brother, in the tressonable con- " spiracie devyset aganis his Majestie at Perthe upone the fyft " day of August 1600 yeiris." The trial was continued into 1612, but was ultimately abandoned, Spalding declaring his innocence and proof failing. From the words of the indictment as just quoted one might have inferred that the "Harry Freeland" of the other entries was in fact a Ruthven of the same branch as the fugitive Alexander Ruthven forfaulted in 1600 whom Spalding was accused of resetting,—the Ruthvens of this branch having assumed the *alias* of Freeland from their paternal property when the surname Ruthven was proscribed and branded; and this is proved beyond doubt by a portion of the Miscellaneous Documents appended by Pitcairn to his long and elaborate account of the original Gowrie Conspiracy Trial of 1600. It there appears (vol. ii. pp. 325–329) that a certain Alexander Blair had informed Lord Scone as follows of treasonable words spoken by Harry Ruthven *alias* Freeland:—"He was cumand " downe betwix your Lordships park-dykis above Scone; quhair " he and William Wallace, servitour to my Lord of Blantyr, fell " in conference about ane Sprott, quha was execut in Edinburg " at that tym. William Wallace sayis to Hary Ruthven 'This " mater is mead cleirer nor it was.' Hary Ruthven ansueris " him agane, and sayis plainely 'Ha! ha! the Erle of Gowry " was saiklesly put downe; and the King and all that was thair " that day was traiteuris to the Erle of Goury.'" It was on this charge that the Harry Freeland of our text, described as "Hary Frieland, sumtyme callit Hary Ruthen, of the age of xl yeiris," was arrested late in 1609; and the documents illustrate the progress of the case to as far as June 1610. Freeland and his accuser Blair were several times confronted, and other witnesses were examined, with the general result that Blair was discredited and seemed to have got up his accusation from private spite. The whole story as it is to be read in Pitcairn is like a vivid dream of old Perthshire country roads and bridges in the years

1608 and 1609, and of people meeting each other on them, or adjourning to the nearest public houses, and there exchanging rough talk with each other about current matters of gossip, in which recollections naturally turned up of the Gowrie Conspiracy and its consequences, and especially of what a good thing Andrew Henderson had made of it, that man who was to be remembered by posterity shudderingly as the mysterious personage in armour that had been posted in the turret of Gowrie House and had there witnessed the murderous scuffle with the King, but who was now perfectly familiar in the flesh to all his neighbours as the wealthy Chamberlain of Scone, buying new bits of property and building on them, and with the best ale in his cellars that was to be had in all Scotland.

Passing now from the judicial department of the business of the Scottish Government between 1607 and 1610 to those portions of their business which involved something of new legislation, we may first note certain enactments of the Privy Council itself, under orders from the King, to meet police exigencies here and there, or to effect social and economic reforms:—The repetition at p. 48 and p. 422 of the old enactments against the use of meat during Lent, and the new Wapinschawing Act at p. 78, indicate that the Scots had been getting lax in their practice in both these matters. There is some interest in the Act at p. 96, in consequence of the Royal Letter at p. 503, for an arrangement in behalf of the King's poor creditors, and also in the Act at p. 113 for more stringent enforcing of the Acts against carrying fire-arms. The management of the royal interest in the Silver Mines found on Lord Advocate Hamilton's property in Linlithgowshire is the subject of Acts at p. 22, p. 36, p. 40, p. 44, p. 64, pp. 71–72, p. 84, and p. 168. There is a new Coinage Act at p. 382, in conformity with Royal instructions at p. 605. An Act of considerable importance at the time must have been that at p. 195, of date 24th November 1608, discharging all commissions of justiciary then held by whatsoever persons, and this on account of the gross abuses that had been discovered in the exercise of the same. Very soon, however, lawlessness in this or that part of

the country compelled the issue of fresh commissions of justiciary, —*e.g.* that to the Earl of Enzie at p. 253, and then to Irvine of Drum at p. 271, against the rebel Forbeses and their disorderly "Society of the Boys" in the North (heard of again at p. 272 and p. 275). Similar commissions are that at p. 557 charging certain persons with the administration of the Atholl country in lieu of the incompetent and offending Earl of Atholl, that at p. 409 to Lord Douglas (heard of again at p. 460 and p. 463) for the administration of justice in the lordship of Douglas and the district of Craufurdmuir, that to the Earl of Dunbar at p. 470 for enforcing the Fishery Laws in the southern rivers, and those at p. 480 to the Magistrates of Ayr and the Magistrates of Edinburgh for pursuit of pirates. At p. 410 there is an Act against hunting hares in the neighbourhood of any of the royal palaces. At p. 119 there is a commission to certain burghs to consider and report on the best means of advancing trade and navigation; and among special commercial acts and regulations, made or discussed, are those against the export of linen yarn (p. 58 and p. 245), anent the price of meat (p. 98), against the exportation of timber (p. 775, p. 215, p. 234, and p. 543), anent a monopoly in the manufacture of soap (p. 559, p. 261, and p. 567), against the exportation of wool (p. 616 and p. 409), anent the importation of alum (p. 410), anent the price of English beer (p. 455), and against landing of exports in any other town of the Low Countries than Campvere (p. 618 and p. 461).

While much of the legislation was in the form of the successive Proclamations and Acts of Privy Council which his Majesty directed or superintended from England, some special additions to the Statute-Book came from the two Conventions of Estates in May 1608 and January 1609, and the single Parliament of June 1609. Among the Acts of the Convention of May 1608, recorded at pp. 93–94, was one for regulating the prices of boots and shoes; for the Acts of the more important Convention of January 1609 see pp. 230–232. They included an Act against the export of coal, respecting which more may be heard at p. 547, p. 269, and p. 568; another for enforcing previous Acts against the export of leather, yarn, and tallow; an Act against the waste

of woods by the use of timber in the manufacture of iron; and an Act, greatly approved by Spotswood, appointing a commission to consider and report on the means for checking the too frequent crime of the abduction and ravishing of women. As a Convention of Estates was little more than an ordinary meeting of the Privy Council with representatives of the burghs present in it, these Acts of the two Conventions may be regarded as no less edicts of his Majesty himself than were the Acts of the mere Privy Council. A Parliament in certain circumstances might be more difficult to manage; but the Parliament of June 1609, presided over by the Earl Marischal, was kept so well in hand that all the sixty-four pieces of legislation that stand to its credit (Acta Parl. Scot., iv. 413–464) either emanated from his Majesty directly or embodied his intentions. Three of these pieces of legislation, in addition to those concerning the Church and Religion, are described in the footnote at pp. 304–307. They are the *Act against Scandalous Speeches and Libellis*, the *Act anent the Egiptians*, and the *Act of Apparel*.

The first of these is one of the few documents in the present volume that bear on Literature. See, however, the Royal Letter at p. 490 and consequent Act of Council at p. 55, authorising the publication of Sir John Skene's "Regiam Majestatem"; also the Act of Council at p. 358 relative to a dispute between Sir John Skene and his printer; also the Letter of the Council to the Presbytery of Haddington at p. 534 requesting them to release Mr James Carmichael, minister of Haddington, from his clerical duties for two months, that the services of that eminent scholar might be available in revising the proof-sheets of Sir John's book. See also the licence at p. 211 for printing a little treatise approved of by Justice-Depute Sir William Hart, and the commission at p. 445 to five persons to examine and report on a grammar composed by Mr Alexander Home.

The *Act anent the Egiptians* doomed to death every man or woman of the Gypsy race that should be found in Scotland after the 1st of August 1609. In connection with this Act see the case of Moysie Faw at p. 372 and p. 712. As late as November 1609 this particular Gypsy, it appears, still

remained in Scotland, as probably most of his race did, in spite of the Act; but, being a shrewder fellow than the rest, and having obtained responsible caution in £1000 for his good behaviour, and pleading before the Council that he was a Scotsman born, disdained and detested the thievish practices of the Gypsies generally, and had withdrawn himself and his family from their infamous society, desiring to live respectably for the rest of his days, he was favoured with a special exemption.

The *Act of Apparel*, styled more fully *Act of the Apparels of Judges, Magistrattis, and Kirkmen*, is pretty fully explained in the footnote at p. 305. It is to be remembered, however, that, though this Act of the Parliament of June 1609 settled that all judges, magistrates of burghs, kirkmen, and other officials in Scotland, should wear, as the nobility were already required to do, special costumes distinguishing them from the common people, it did not determine what their costumes should be, but referred that matter entirely to his Majesty's consideration when he should be at leisure. Such a wholesale dressing order being a business quite to his Majesty's heart, he took ample pains with it; and it was six months before he gave his decision. See it in the Royal Letter of date 16th January 1610 at pp. 612–614; and see the Acts of Council for giving effect to the same, and for its due registration, at p. 405 and p. 406. From and after the 1st of March 1610 Scotland was to behold all her public functionaries dressed strictly according to his Majesty's instructions, illustrated as these were by the patterns of gowns, &c., which he had sent from England. The provosts, bailies, and councillors of burghs were to be attired in black gowns with some kind of grave furring on ordinary days, but with a speciality of scarlet gowns and corresponding furrings on Sundays and other important days for those of Edinburgh, Perth, Dundee, St Andrews, Glasgow, Stirling, Aberdeen, and any other towns that could afford such gaudiness; the Lord Chancellor, the Lord President of the Court of Session, and other Judges, ordinary and extraordinary, in richer varieties of gowns of black cloth, scarlet cloth, purple cloth, crimson satin, crimson velvet, &c., with hoods and furs to match; other legal

officials and all doctors of law still richly, but more sombrely; and all the clergy in decent black gowns in their pulpits and invariably in black elsewhere, but with distinctions of cut and adornment, and the substitution of velvet, silk, and satin in the attire of doctors of divinity, other superior ecclesiastics, and all the bishops. For the details of this most characteristic edict of King James see the Royal Letter itself.—Involved in the *Act of Apparel* of 1609 was a regulation of no small consequence independently. From time immemorial it had been the custom of Scottish burghs to elect noblemen or great lairds in their neighbourhoods to be their provosts, so that they might have the benefit of powerful aristocratic protection; and, though this custom had gradually, in more recent times, fallen into disuse in most of the greater burghs, there were still relics of it. James, who had already set his face against it, and indicated in various ways his intention that it should utterly cease, had contrived the insertion into the *Act of Apparel* of a clause for that purpose. After preamble to the effect that "the course "intended by his Majestie for dischargeing nobilmen and gentil- "men to be electit provestis and magistratis of burrowes" had not hitherto been successful, the clause ordained "that na "man sall in ony tyme commyng be capable of provestrie or "magistracie within ony burgh of this realme, nor to be electit "to ony of the saidis offices within a burgh, bot mercheandis and "actuall traffikeris inhabiting within the saidis burghis alanerlie, "and na otheris." Proof will be found at p. 356 and p. 597 that there was still a disposition on the part of some of the burghs to evade this ordinance, and that his Majesty was determined that it should not be evaded.

An Act of the Parliament of June 1609 not mentioned in our summary of the proceedings of that Parliament in the above-cited footnote was one entitled *Act anent the Commissioners and Justices of Peace.* Ostensibly framed for preventing the possible revival of the old Scottish habit of deadly feuds, the Act was really one for establishing a local machinery everywhere for the enforcement of law and the prevention of any kind of disorder. It provided "that in everie schyre within this kingdome

" thair sall be yeirlie appointit by his Majestie some godlie, " wyse, and vertuous gentilmen, of good qualitie, moyen, and " reporte, making residence within the same, in sic number as " the boundis of the schire sall require, to be Commissionaris " for keiping his Majesteis peace,"—such Commissioners to have powers of immediate jurisdiction and action in every case of attempted or threatened breach of the peace in their neighbourhoods. Like the *Act of Apparel*, this Act, suggested to James no doubt by his observation of the working of the system of Justices of the Peace in England, lay dormant till his Majesty should be at leisure. It was not till the 8th of May 1610 that there was addressed to Chancellor Dunfermline and the Earl of Dunbar that Royal Letter from Thetford which will be found at p. 624, commanding them to choose and appoint fit persons to be commissioners of the peace in all the shires. When our volume closes they had not made out their lists, so that the actual operation of the Justices of Peace Act in Scotland was was still deferred.

III. The Borders.

The use of this heading here is like that of the title "*On the Snakes of Ireland*" in the famous essay the text of which consisted of the words "There are no snakes in Ireland." There were now no Borders in Scotland, except in so far as popular language might persist in the use of the old name in despite of law and statute.

How, in 1605, the administration of those rough English and Scottish shires which had formerly been "The Borders," but which James had rechristened in 1603 as "The Middle Shires of Great Britain," was put into the hands of a body of ten Commissioners, five for the English side and five for the Scottish, each set of Commissioners to execute their orders through an appointed chief of police with a flying garrison of horse under him; how, in the course of 1606 and 1607, there were modifications of this arrangement, till at length the Scottish Commission, having charge of what had formerly been "The Three Scottish Marches," consisted of but four persons,—viz.,

Sir William Seton, Sir William Cranstoun, Sir John Charteris, and Sir Gideon Murray; how in conjunction with these Commissioners there was the great Earl of Dunbar, acting first rather in the background, but latterly with an acknowledged supremacy as Lord Lieutenant in the late Borders when he could make it convenient to be there personally; and how, by the energetic proceedings of this body of officials, but especially of the Earl of Dunbar and Sir William Cranstoun,—their ruthless raids and fire-raisings over the region entrusted to them, and their wholesale hangings and banishings of old Border thieves and their families,—the Borders were so tamed, drilled, and brought under law, that they hardly knew their old selves after the change:—all this, the subject of so many pages in our last volume (the bloodiest of them forming a separate portion of the Register under the title "*The Borders: A.D.* 1604–1607"), is now a story of the past. In our present volume there is no such separate portion of the Register for "The Borders." The subjugation had been so complete that comparatively little remained to be done, and what did remain to be done could be regarded as part of the general business of the Council and registered accordingly.

At p. 7 will be found an order for the dispersing of some of the Border Lairds that might still be troublesome into various places of confinement in the in-country; at p. 15 is an order for the payment of the wages of Sir William Cranstoun as captain of the garrison and the salaries of him and his fellow commissioners; and instances of the continued sputtering of the old spirit of Border lawlessness, and of the continued activity of Sir William Cranstoun and his garrison in putting down these outbreaks, making arrests, enforcing the payment of arrears of taxation, &c., will be found at p. 86, pp. 97–98, p. 109, p. 125, p. 136, pp. 163–4, p. 167, p. 169, p. 188, p. 200, p. 216, p. 236 and p. 243. Though one of the outbreaks was at Jedburgh, the relics of the old Border lawlessness were evidently strongest in what had been the West March,—*i.e.* in Dumfriesshire and Galloway, and especially round about the town of Dumfries, where the Maxwells, Johnstones, Bells, Irvings, and Carlyles

were most numerous. Most of the entries just cited refer to those parts; and at p. 152 will be found another order for the removing into different inland shires, for temporary ward there, of a number of the western lairds, chiefly Maxwells. The sputterings of continued rebellion in the Dumfries region were occasioned partly by the Government quest after ex-Abbot Mr Gilbert Brown and his Roman Catholic colleagues and abetters in Annandale and Nithsdale, and partly by the hue and cry after the fugitive Lord Maxwell. What has been already told of both these businesses has to be remembered again, therefore, in our present connection. So also must be what has been already told of Archbishop Spotswood's great commission for the ecclesiastical reform of the old Borders by the repair of the kirks, the planting of efficient ministers in all the parishes, and the extirpation in particular of the residue of Border Popery in its most notorious western nest. Strange to find the Archbishop thus associated so intimately with the Earl of Dunbar and Sir William Cranstoun in the pacification at last of the obstinate old Borders. The Archbishop went over the ground, surveying it and rectifying it ecclesiastically, after the Earl and Cranstoun had done the rougher work of the necessary burnings, banishings, and hangings. One final bout of this rougher work, however, had to follow the Archbishop's ecclesiastical survey. See, in the footnote at p. 337, some account of that assize at Dumfries, held by the Earl of Dunbar in July 1609, which sent to the gibbet another great batch of the Border thieves whom Sir William Cranstoun had run down and had been keeping in prison. Then it was, as the footnote relates, that Chancellor Dunfermline could write to the King that, thanks to the Herculean exertions of the Earl of Dunbar, the Augean stable of the old Borders had been at last thoroughly cleansed, and his Majesty might be assured that these old Scottish borders, now the Middle Shires, were "as lawful, as peaceable, and as quiet as any part in any civil kingdom in Christeanity." What dreadful work it had been not even the remaining records terrible as these are, can adequately represent to the modern conception. Little wonder that the Earl of Dunbar and Sir

William Cranstoun, who knew what arbitrary deeds they had done in the course of the work, were anxious to secure themselves by the most ample forms of legal indemnity. Accordingly, though there had been acts of indemnity for them in the previous volume, there are several more for them and their fellow-agents in this; and these acts of indemnity are, in fact, the most significant Border documents which this volume contains. See that at p. 37, under date 19th January 1608, for Dunbar, Cranstoun, and the first set of Border Commissioners; see that at p. 278, under date 2nd May 1609, to Sir William Cranstoun specially and his sons and kinsmen; see the Royal Letter at p. 846, of date 20th January 1610, and the consequent Minute of Council of 15th February at p. 420, for yet another Act of Indemnity to Cranstoun and his subordinates; and see notice at p. 432 of a similar exoneration for Sir Gideon Murray. On the whole, it was Cranstoun who carried off the honours. At p. 471, under date 4th June 1610, may be read the minute of Council acknowledging sight of his Majesty's patent raising him to the peerage. Thenceforward he was known by the title of Lord Cranstoun of Crailing.

IV. The Highlands and Islands.

Having subjugated the Borders, his Majesty had turned his attention to the Highlands and Islands as the other peccant part of his Scottish realm. Accordingly, as the subjugation of the Borders had been mainly an enterprise of our last volume, so the subjugation of the Highlands and Islands is more specially the enterprise of this. The story is to be picked out partly from the General Register and the Royal Letters, partly from the 25 pages entitled The Isles (pp. 737–761), taken from the separate Register kept by the Council at this date for the business of the Western Islands and the adjacent Highland mainland.

It begins in March 1608. See, at pp. 59–61 and p. 737, the commission on the 8th of that month to Lord Ochiltree and the Bishop of the Isles to confer with Angus M^{c}Coneill (*i.e.* Mac-

donald) of Dunivaig and Hector Maclean of Duart, and the simultaneous announcement in two proclamations on the 10th of that month of his Majesty's resolution for a new armed expedition on a great scale for the reduction of the Isles to his obedience. In the main proclamation it was announced that, inasmuch as it had "pleasit God to airme his Majestie with pouer and "force be sea and land to suppres and trede under all and quhat-"sumevir rebellious lymmairis within ony pairt of his Majesteis "impyre and dominionis," he felt himself bound in honour to resume the long delayed business of the reclaiming of his Celtic Islands from their savagery, and that, while he meant to employ troops from his Irish garrisons and ships from Ireland for that purpose, yet, to give it "that princelie and substantious forme quhilk is requisite," there must be levies by the 1st of June next of all the fencibles from so many named shires and burghs of the west of Scotland, to meet at Islay, and from so many named shires and burghs of the north, to meet at Inverness, armed and provisioned for the usual full term of forty days. The other proclamation was a charge to all the landlords on the West Scottish mainland opposite the Islands not to reset any fugitives that might be driven from the Islands during the service. After the lapse of a month, we learn, at pp. 72–73 and p. 737, that the levies had been prorogued to the 1st of July, but were then to be from all the shires of the kingdom, that Comptroller Sir James Hay was to be conjoined with Lord Ochiltree and the Bishop of the Isles in the negotiation with Macdonald of Dunivaig and Maclean of Duart, and that this negotiation with these Highland chieftains was to be on certain definite and rather hard terms. They were to find caution for the future obedience of themselves and their clans; they were to surrender their castles and a proportion of the lands they claimed, contenting themselves with what lands his Majesty might leave in their possession; they were to destroy their galleys and boats, except what might be needed for peaceful uses; they were to engage that their children, and those of all their principal dependents, should be sent to school; and they were to cease from wearing any kind of arms, except only one-handed swords and targes. A month

more, and we are made aware, at pp. 502-503, pp. 93-95, p. 737, p. 766, and p. 506, that the projected expedition to the Isles had been brought before the Convention of Estates which met towards the end of May 1608, and that, though the smaller barons and the burghs in that Convention had been a little stiff on the subject of supplies, the business was to go forward sufficiently sanctioned. Orders were out for the arrest of ships in all the ports of the kingdom for the conveyance of the levies,—the muster from the northern shires, however, not to be at Inverness on the 1st of July, as had been previously appointed, but at Trouterness (*i.e.* Trotternish in the north of the Isle of Skye) on the 24th of July. The intention up to this moment seems to have been that there should be two divisions of the expedition and two fleets,—one for the South Isles off the coast of Argyllshire, and the other for the North Isles off the Inverness-shire and Ross-shire coasts. On the 24th of May, however, the Council, while contemplating that this arrangement was still to stand in so far that one of the fleets was to be at Islay on the 1st of July and the other at Trotternish on the 24th of July, agreed to recommend to his Majesty, as will be seen at pp. 507-508 and p. 738, that the chief command of the whole expedition should be entrusted to one person. Their letter making this recommendation was not sent in the ordinary way by post, but was taken to Court by the Bishop of the Isles in person. The reason was that there were various questions connected with the expedition in which it was desirable to have his Majesty's private determinations.

By the 21st of June the Bishop was back in Edinburgh with full instructions. See, at p. 739, his Majesty's letter containing them, dated at Greenwich 14th June; and see the consequent proceedings of the Council at pp. 113-114 and p. 740. The Lieutenant or Commander-in-Chief of the whole expedition was to be Lord Ochiltree; he was to have an armed guard of 500 men, or five companies of 100 men each, to be paid at the rate of 10,000 merks monthly for the whole; he was to be attended by a council of assessors, of whom the Bishop of the Isles was to be one, while the others were to be nominated by himself; and the

Bishop, as the next man in the expedition, was to have a special guard of 30 men of his own choosing, who, as the Bishop's private means were too scant for their support, were to receive King's wages like the rest. Although the 1st of July had been appointed for the rendezvous at Islay, and although Lord Ochiltree went west about that date to superintend the musters in the west and the shipping arrangements at Ayr, some further delay was occasioned by various preparations, the nature of which will be gathered from p. 740 and pp. 514–516. They included the issue of missive letters to some of the great lairds of the West Highland mainland, requiring them to cooperate with Lord Ochiltree, and also correspondence with Sir William St John, who had arrived in Lochryan in an English war-ship with instructions from the Lord High Admiral of England to put his services at the disposal of the Scottish Government, and was waiting there with this war-ship, a galley, and a pinnace. Not till the 30th of July did Lord Ochiltree's fleet, with his forces on board, set sail from Ayr. From that moment all eyes followed him. For his antecedents in some detail see the footnote at p. 114. Enough to remember here that his name was Andrew Stewart, and that he was the grandson of that "good Lord Ochiltree" who had been the friend of John Knox and whose daughter the Reformer had married for his second wife.

Of Lord Ochiltree's voyage among the Western Isles we have a connected vision, very distinct and picturesque at certain points, in his own letters and in other documents at pp. 521–526, p. 162, and p. 741. Arriving at Islay on the 2nd of August, close to the Castle of Dunivaig, with his Scottish fleet and two of Sir William St John's English ships in his company, we see him remaining off that island or on it till the 14th of August, so terrifying Angus Macdonald and his son Alexander that they tendered their unconditional obedience, surrendered the Castle of Dunivaig, and did most humbly whatever else was enjoined them. Then, having apprehended and put in irons some Irish fugitives he found on the island, and having held court in his Majesty's name, and received the submission of all the native Islesmen, he left Islay, and reached Duart in Mull on the 15th

of August, after a very stormy passage. This was the island of the Macleans, and he was equally successful there. Hector Maclean of Duart surrendered his castle on the 17th and saw it garrisoned for the King; and, that order might be taken with the whole island, a court was appointed to be held in Aros on the 23rd,—Lord Ochiltree meanwhile postponing the destruction of the galleys and other vessels of the Macleans, on the ground that it would be unfair to destroy these unless the clans hostile to the Macleans on the mainland opposite Mull were similarly crippled. He had found, in fact, that it was essential that the orders he had received for the destruction of the galleys and war-boats of the Islanders should be extended to all that margin of the Highland mainland which was nearest to the Islands. A warrant to that effect, with instructions on other points which he had referred to the Council, was dispatched to him from Edinburgh on the 1st of September; but we learn nothing of his doings in Mull from his own letters after the 18th of August. We lose sight of him for a while altogether, and are surprised to find, from minutes at p. 166, pp. 173–175, and p. 741, that by the end of September, or at all events by the beginning of October, he is back in Edinburgh, reporting the rest of his doings in person, without having paid the visit to Skye that had been intended, or prosecuted his voyage to any part north of Mull. The explanation is that he had made such a capture of Highland chiefs at one fell swoop as had sufficiently ended the business of the expedition in the meantime. His court having been duly held at Aros in Mull on the 23rd of August, there had come round him there not only the already submissive Angus Macdonald of Dunivaig and Hector Maclean of Duart, but also Donald Gorm of Sleat (one of the chief Macdonalds of Skye), Donald MacAllan MacIan of Ylantyrum (captain of the Macdonalds of Clanranald), Lauchlan Maclean (brother of Hector), Ruari or Rory MacLeod of Dunvegan and Harris, his brother Allaster Macleod, Allan Maclean (son of Maclean of Ardgower in Argyllshire), and Neil MacIlduy and Neil MacRory, two followers of Maclean of Duart. It was a tempting opportunity; and how Ochiltree used it is told us, from

private documents, by the accurate Gregory in his *History of the Western Highlands and Isles*:—"Having taken very strict "order with Angus Macdonald for his future obedience, he "suffered that chief to depart home. But, not finding the "others so ready to accede to all his proposals, the Lieutenant, "by the advice of his chief counsellor, the Bishop of the Isles, "invited them to hear a sermon preached by that prelate on board "the King's ship called 'The Moon,' and afterwards prevailed "upon them to dine with him on board. Ruari Macleod of Harris "alone refused to enter the vessel, suspecting some sinister "design. When dinner was ended, Ochiltree told the astonished "chiefs that they were his prisoners by the King's order; and, "weighing anchor, he sailed direct for Ayr." When Ochiltree reappeared in Edinburgh, he had all his captives with him, though he said nothing about the mode of their capture, and the captives themselves thought it best to profess that, "for testi-"ficatioun of thair moist humble obedience to the Kingis "Majestie," they had come of their own accord. See at p. 175 the minute of their entry before the Council on the 6th of October, with the order for the warding of Maclean of Duart, his brother Lauchlan, Allan Maclean, and Neil M'Ilduy and Neil Macrory, in Dumbarton Castle (all the Macleans of the set together), Donald Gorm and Donald MacAllan MacIan (the two Macdonalds of the set) in the Castle of Blackness, and Allaster Macleod (the single captured Macleod) in the Castle of Stirling. See also Ochiltree's report of the preceding day, where he explains that, though he had left Angus Macdonald of Dunivaig at large for the present, that chief would be forthcoming, and that, though Rory Macleod of Harris had escaped capture, there was some security for his good behaviour in the possession of his brother Allaster. In fact, he seems to say, he had swept Islay, Mull, and Skye of its dangerous chiefs, and had secured these islands and the adjacent tracts of the Highland mainland; and, though he had not thought it expedient so late in the year to carry his ships so far as the Outer Hebrides, he had put a hook into the Hebrides too by what had been already done. All in all, the Council were highly satisfied. See, at pp. 533–

534, their letters to the King, all of date 6th October 1608, expressing their satisfaction, and recommending Lord Ochiltree and the Bishop of the Isles to his Majesty's favour for their important services, and also the Welsh seaman Owen Gwynne, who had been commander of his Majesty's ship *The Moon*. With these letters in his pocket, Lord Ochiltree posted off to Court, the hero of the hour, to make more particular reports to his Majesty himself.

For the next three or four months the story fritters itself into such details respecting the custody of the captive Highland chiefs in their several prisons, and the shiftings of some of them, as may be found at pp. 741–2, p. 181, p. 185, and p. 211. In February 1609, however, a new movement in the Highland business, hinted at in an entry at p. 215 as early as 27th December 1608, takes shape in the two documents printed in full in pp. 742–746. By his Majesty's directions, seventeen members of the Privy Council,—to wit Chancellor Dunfermline, Archbishop Spotswood, the Earls of Dunbar, Mar, Linlithgow, Abercorn, and Lothian, the Bishops of Ross and the Isles, Lords Ochiltree, Blantyre, and Holyroodhouse, Comptroller Sir James Hay, Justice Clerk Sir John Cockburn, Clerk-Register Sir John Skene, Advocate Sir Thomas Hamilton, and Collector Preston,—were constituted special Lords Commissioners for the Affairs of the Isles, Archbishop Spotswood (now styled President of the Exchequer) to be Convener of the Commission, and he, and the Bishop of the Isles, Lord Ochiltree, and Comptroller Sir James Hay, to be always necessary to form a quorum. Rules were laid down by his Majesty himself for the conduct of these new Lords Commissioners. Substantially they were that the Commissioners should consider the whole subject of the reorganisation of the Highlands and Islands, not on the principle of exterminating their present inhabitants, or even dispossessing them to any great extent, but on that of devising means for introducing industry, religion, and civilisation among them, and especially for abating the power of their chiefs. With this view, the Commissioners, besides negotiating with the chiefs already in ward and receiving their offers, were to think of the best

mode of dealing with those other chiefs who had not yet come in, and were also to see ample security taken for due concurrence by all the noblemen and lairds possessing property on the range of West Highland coast adjacent to the Isles. The results of the consultations of the Commissioners were to be reported at every step to his Majesty, and nothing was to be actually done or concluded till his Majesty had sent back his decision.

What progress was made by the Lords Commissioners of the Isles from February to June 1609 may be read in their minutes for those months in pp. 746–752. The following is a conspectus of the main items:—(1) *The Island Chiefs already in custody.* —Hector Maclean of Duart has offered to be answerable, under strict conditions, for all the inhabitants of Mull over whom he has sway, for all the inhabitants of Terrey and the Isle Moverne, for the inhabitants of as much of the Island of Islay as pertains to him, and similarly for those of his possessions in Coll, Jura, Kintyre, Scalpa, and Lochaber, and also to take new infeftments and tacks of his lands from the King on payment of such duties as may be agreed upon, such infeftments and tacks to contain clauses irritant involving the absolute forfeiture of the lands if the conditions are not fulfilled. Similarly Donald Gorm of Sleat has offered to be responsible for all his lands and possessions, whether in Skye, Benbecula, or in the north of Ross-shire, and to take new infeftments with clauses irritant; and Donald M'Allan MacIan of Ylantyrum, Chief of the Clan Ranald, has done the same for his lands in Moidart, Arisaig, the Island of Egg, &c. This accounts for all the captive Islemen, inasmuch as the other five were subordinates and incapable of offering terms, though useful as hostages. (2) *Other Island Chiefs.*—Special charges were out for the appearance before the Council of MacLean of Coll and Macleod of Harris; and Angus Macdonald of Dunivaig had duly kept his word to Ochiltree by coming to Edinburgh on summons, and was likely to be tractable in all things. For security, nevertheless, he was committed to Blackness Castle, to keep company with the two other Macdonalds, Donald Gorm and the Captain of Clan Ranald. (3) *Proprietors on the Highland Mainland.*—The burden of

assuring "the haill continent foiranent the West Yllis betuix Mull of Kintyr and Loquhaber" had been laid on the Earl of Argyle, and that of assuring Lochaber itself on the Marquis of Huntly, Allan M'Ian Duy, Lauchlan Mackintosh of Dunachtan, and Alexander MacRannald in Keppoch; and letters had gone out charging the Marquis of Huntly and the other three Lochaber proprietors (the young Mackintosh by his tutors), and also Lord Lovat, Kenneth Mackenzie of Kintail, John Grant of Freuchie, George Ross of Balnagown, Hucheon MacKay of Farr, Macdonald of Glengarry, Donald Neilson of Assynt, John Mackenzie of Gairloch, the Earl of Caithness, and Munro of Foullis, to appear and find security for the preservation of the peace and the non-reset of fugitive Islesmen in their respective districts. The majority of these, having appeared personally or by deputy, had been laid under heavy recognisances in sums ranging from 3000 merks to £5000; and Macdonald of Glengarry, Mackay of Farr, and MacRannald of Keppoch had been denounced for non-appearance. Special security had been taken from the representatives of the Laird of Mackintosh during his minority; and there was separate dealing to the same effect with Mackinnon of Strathordell.

Of all this, and much more, his Majesty had been informed, partly by letter, and partly by the Bishop of the Isles, who had gone south again in May as a confidential messenger from his colleagues. When the Bishop returned,—which he did in the end of June, just about the time of the meeting of the Scottish Parliament of 1609,—it was with the announcement of a new scheme of his Majesty, setting all astir again. His Majesty had resolved that there should be another expedition into the western seas that autumn, to make good the results of Lord Ochiltree's expedition of the preceding year and of all that had been done in the interim. At the head of this new expedition, however, it was not Lord Ochiltree that was to go, but the Bishop of the Isles himself. See, at pp. 752–753, the missive letter from his Majesty which the Bishop produced, on the 27th of June 1609, before the Lords Commissioners for the Isles. Though in that letter Comptroller Sir James Hay of Kingask was conjoined with

the Bishop for the management of the new voyage, it was clear already that the Bishop was to be the chief man. Why Lord Ochiltree was not again appointed does not distinctly appear. The confusion of his accounts for the last expedition, and the difficulty of auditing them, of which one hears at p. 751, p. 281, and p. 590, may have had something to do with his non-appointment now; but, as that matter was ultimately settled without any discredit to him, the probability rather is that the Bishop was selected because the new expedition was to be on a smaller scale than the former, and of less military and aggressive aspect. At all events, it is Andrew Knox, Bishop of the Isles, and not Andrew Stewart, Lord Ochiltree, that is the central personage from this moment in the enterprise for the subjugation and civilisation of the Celtic parts of Scotland. He ought to be no stranger to us,—antecedents of his, from the time when he was simply the parish minister of Paisley, lying scattered through the text of several of our previous volumes. It was he who, in December 1592, had headed the party of Paisley men who had boarded the suspicious ship on the Clyde, arrested Mr George Ker, the agent of Huntly, Errol, Angus, and the other chiefs of the Spanish Blanks Treason, seized his papers, and so detected and exploded that terrible business. This and other vigilant acts of his in the same kind of service in the west had proved him to be a man of courage as well as ability, not likely to shrink from work even if pistols should be necessary.

In the succession of entries at pp. 753–757, recording the proceedings of the Lords Commissioners from 28th June to 13th July (with which connect a minute of Council at p. 321), we see the preparations for the Bishop's voyage. The business of his mission to the Isles having been defined to be "to mak a survey of the landis thairof," and 3000 merks having been voted for his charges, he received his formal instructions on paper. The survey he was to make was by these instructions to be as exact as possible,—a little domes-day book, in fact, of the estates in the Islands, their extent, character, and value, with the names and qualities of their possessors and tenants. He was to do as much as he could by negotiation with the chiefs that still stood

out, assuring them of kindly usage if they came in; if any should prove obstinately refractory, he was empowered to use against them the forces of their more obedient neighbours, though enjoined to be "very wyse and circumspect that no suche actioun "of hostilitie fall oute as may disturb the Kingis Majesteis haill "service in the Yllis"; and he was to have the right of holding courts at his discretion and convocating the lieges in arms on sufficient occasion. Ships were to be provided for his transport, "upoun ressonable fraucht to be payit thairfoir," and to be taken forcibly should there be need. Moreover, that his work might be facilitated, he was to take with him Macdonald of Dunivaig, Donald Gorm of Sleat, the Captain of Clanranald, and Maclean of Duart and his brother Lauchlan, all liberated from custody on promise of faithful concurrence with him, though under heavy bonds and pledges for their reappearance when the service should be over, while communications were opened up, by the agency of the Earl of Argyle, with Rory Macleod of Dunvegan through his brother Allaster Macleod, released for that purpose. The good offices of Lord Lovat and Mackenzie of Kintail were also in requisition.

About the middle of July the Bishop was off with his retinue; and for two months and a half from that date we have not a glimpse of him or his doings in the Register for the Islands, and indeed hardly a glimpse of the Highlands at all even in the General Register, unless at p. 331, p. 334, and p. 341, where there are retrospective notices of disturbances among the Munros and Neilsons in Assynt. Nay, when the Bishop was back in Edinburgh, which was on the 28th of September, the minute of his reappearance that day among his colleagues at p. 757 leaves us still provokingly in the dark as to what he had been doing during the two months and a half of his absence. "The quhilk day," it runs, "in presence of the Lordis Commis-"sionaris compeirit Andro, Bishop of the Yllis, and maid a "repoirt of his procedingis in the Yllis and of the executioun "of the instructionis and directionis gevin unto him thairanent; "quhilk reporte, contening the forme of his procedingis, he gaif "in in wryte; and, eftir reiding thairof, he desyrit that he might

" haif the same up agane, to the effect he might showe the same " to his Majestie, seing he wes boune to Courte; and he " promeist at his returne to delyver the same writtis and reporte " of his procedingis, to the effect the same myght be registrat." In other words, the full history of the Bishop's mission to the Islands was to be kept secret until it had been laid before his Majesty, and his Majesty had both approved of what had been done and determined what further measures for settling the Highlands and Islands might be reared upon that foundation. As more than nine months were to pass before his Majesty had fully made up his mind, the documents which the Bishop had taken to Court with him had not been returned for registration at the end of June 1610, when our present volume closes. Accordingly, the last sight we have in this volume of the state of the business of the Highlands and Islands is in the straggle of miscellaneous entries from September 1609 to June 1610 at pp. 757–761, with such relative stray notices, easily discernible by their rubrics, as are to be found in the minutes of Council at p. 379, p. 396, p. 409, p. 421, p. 428, p. 433, pp. 441–445, and p. 480, in the Royal Letters at p. 618, in the Acts of Caution at p. 720, and in the Miscellaneous Papers at p. 843. From these entries it does leak out that the Bishop's mission had been very successful, and that his Majesty's grasp of the Highland chiefs had been rendered closer and stronger than ever before. The recalcitrant Mackay of Farr on the mainland and some of the outstanding Hebridean chiefs, one observes, had been made amenable to the discipline to which the others had yielded; and a specially significant Act had been the repeal, on the petition of Maclean of Duart, Macdonald of Dunivaig, and other chiefs of the Argyllshire Islands, of a regulation, of unknown origin, impeding the commerce of themselves and their clansmen in horses, marts, and other merchandise, in Mull and others of these Islands (p. 757). Doubtless, however, all Scotland then knew already the substance of those proceedings of Bishop Knox in the Western Seas which had brought about this comparatively amicable state of things; and, though we are bound here not to anticipate the revelations of the Register, there can be no harm

in saying that the Bishop's great achievement had been that which Highland History remembers by the name of *The Statutes of Icolmkill.* Wherever else in the Western Seas the Bishop had gone, he had made the sacred Island of Iona his head-quarters; and it was there that, in a convention of the Highland and Island chiefs, he had obtained their solemn agreement, and their bonds for the obedience of their clans, to nine articles abolishing some wild old Celtic customs, and instituting new laws for the social, economical, and religious reformation of the whole Celtic region. Bishop Knox had acquitted himself excellently; and his countrymen now ought to know more of him than they do. What a pity that enthusiasts in Scottish History, instead of wheeling everlastingly round a few blazing vexed questions, such as the murder of Darnley and the rights or wrongs of Mary Stewart, do not apply themselves now and then to the investigation of such matters as Sir William Cranstoun's dragooning of the Borders from 1605 onwards, Lord Ochiltree's Islay and Mull expedition of 1608, and Bishop Knox's Highland mission of the following year and his Statutes of Icolmkill!

Partly involved in the King's enterprise of 1608–10 for the subjection of the Islands and Western Highlands, but partly independent, were his efforts for bringing the extreme northern portion of his Scottish realm, including the semi-Celtic Caithness and the Scandinavian Orkneys and Shetlands, also within the grasp of ordinary law and government.

The Orkneys and Shetlands, long in the possession of the King's cousin, Patrick Stewart, Earl of Orkney (son of one of the natural sons of James V.), had, under the rule of that Earl, who generally resided in Kirkwall,—though he sometimes came south, and was seen, with the other Scottish nobles, in Parliament or in the Privy Council,—been all but detached from the main Scottish realm, and converted into a kind of ruffianly separate kingship. For a general account of Earl Patrick and his court at Kirkwall, see the footnote at pp. 214–215; and, for the gradual gathering of a storm round him at last, in the shape of judicial proceedings which the king had

been compelled to order against him by repeated complaints of his intolerable tyranny and oppressions from the poor Orcadians and Shetlanders, see a succession of entries at p. 529, p. 531, p. 775, p. 541, p. 214, p. 255, p. 801, p. 584, p. 292, p. 293, p. 587, p. 299, pp. 312–313 with footnote, p. 611, p. 374, p. 433, and p. 619. The main result so far had been that, from July 1609, the Earl was a prisoner in Edinburgh Castle, and that the Orkneys and Shetlands, in which he had left kinsmen and others acting in his name and by his authority, were still turbulent in his absence. It is at this point that the independent story of the judicial proceedings against Earl Patrick for his long course of tyranny in his far-off domain melts into the more general story of the King's enterprise for the reduction of the Highlands and Islands. That enterprise having had good success so far, and Earl Patrick being in safe custody, why should not the opportunity be taken of extending to the Orkney and Shetland Isles the discipline that had been applied to the Western Isles, and so breaking down the anomalous system of institutions that had so long prevailed among the Orkney-men and Shetlanders, and incorporating them thoroughly with the rest of the Scottish population? Nay, was not something of the same sort necessary with even the nearer Caithness region, the condition of which was hardly less disorderly than that of the Orkneys and Shetlands, and the lord of which, George Sinclair, Earl of Caithness, was hardly less culpable than Earl Patrick? The fact that the two Earls, besides being neighbours, were at feud with each other, was not to be overlooked, and might be an advantage eventually.

From July 1609 onwards, accordingly, one finds the business of the Orkneys and Shetlands, and also that of Caithness, much mixed up, in the minutes of the Council and of the Lords Commissioners for the Isles, with that of the Highlands and Islands generally. At p. 756, where there is registered a band of the Earl of Caithness for his concurrence, with other proprietors of the Highland mainland, in the royal policy for the subjugation of the Western Islands, there is registered also another band, dated 5th July 1609, by which he undertakes to "mak a free,

"peaceable, and suire passage to all his Majesteis lauchfull sub-
"jectis through his countrey of Caithnes," the rest of the wording showing that what was contemplated was passage through Caithness to and from the Orkneys. This is but a glimpse; and one has to proceed, for farther study of the royal intentions with respect to the Orkneys and Shetlands, and to Caithness in relation to them, to the series of later entries which will be found at p. 379 (connected with a Royal Letter at p. 603), p. 406 (connected with a Royal Letter at p. 615), p. 408, p. 413, p. 444, p. 451, p. 469 (connected with Royal Letter at p. 624), p. 833, and pp. 834–6. From these entries one learns that the King, in dealing with the Orkneys and Shetlands, had recourse to the same kind of ecclesiastical help which was found so useful in the West Highlands, employing James Law, Bishop of Orkney, to do what he could to act a similar part in his Orkney and Shetland diocese to that which Bishop Knox was performing in his diocese of the Isles, but that on the whole Bishop Law's services were not of much avail, and other measures were thought of for the Orkneys and Shetlands, in which the Earl of Caithness might have to come to the front. How things were to end, however, was all dark as yet. What one sees most distinctly as our volume closes is Earl Patrick still in his prison in Edinburgh Castle, with the coil of preparations for his trial round his neck. In the very last of the Miscellaneous Papers, at p. 845, dated June 1610, we have a glimpse of him in a somewhat submissive mood, making overtures for his release. They were not to prove sufficient.

V. Relations with England.

The fourth session of James's first English Parliament having come to a close in July 1607, and its fifth session having been put off to February 1609–10, there was no sitting of Parliament in England during the greater portion of the period of this volume. The relations between the two realms, therefore, were managed mainly by the King himself through his two Privy Councils. The fact was probably not disagreeable to his Majesty. Disappointed by the break-down in the fourth session of the

English Parliament of those negotiations for a more intimate union of the two kingdoms on which he had set his heart, and aware that there was little chance of renewing them by English Parliamentary agency at all, he was the more anxious to use every means that lay within his own prerogative for toning down the international animosity that still rankled between the Scots and the English, and promoting their friendly intermixture and commerce, and the growth amongst them of a sense of common political interests. That he did find such means our present volume furnishes some interesting evidence.

One observes, in the first place, a uniform tone of courtesy and considerateness on the part of the English Privy Council in their intercourse with the Scottish Privy Council and in their contacts with matters Scottish. At p. 489, under date 14th January 1608, will be found a Letter from the Scottish Privy Council to his Majesty calling his attention to what was considered an attempt of his English Council to usurp jurisdiction in a purely Scottish matter. How speedily the matter was set right, and with what studious respect for Scottish feeling, may be seen from the four letters of thanks at pp. 494-496, all sent off by the Scottish Privy Council on the 10th of the following March, one to the English Lord Chancellor Ellesmere, one to the Earl of Salisbury as English Prime Minister, one to the Earl of Northampton, and one to the English Lord High Treasurer. The difficulty had been effectively quashed by the good offices of these noblemen, and the Scottish Councillors were profusely grateful. Similar instances of the studied international courtesy that had been established in all communications between the authorities of the two kingdoms will be found at p. 527 and p. 537. Commonly, however, the Scottish Council preferred communicating directly with the King in questions of international interest. It was to the King, for example, that they acknowledged their gratitude when the news reached them of the happy decision given at last in favour of Scotland by the English judges in that famous test-case,—known in English law-books as "the Calvin case," but to be called more properly "the Colvill case,"—which had been brought into the English

courts in order to settle the question of the *post-nati: i.e.* the right of all Scottish subjects of King James born after his accession to the English throne to perfect equality with Englishmen in the matter of the inheritance, acquisition, and possession of property or honours in England. As this decision was a triumph to James himself, so it was good news to all the Scottish nation. See at p. 248, under date 16th February 1609, the minute of the Scottish Council noting receipt of a copy of the welcome decree of Lord Chancellor Ellesmere and the other English Judges in the Colvill case, and handing it over to the Clerk of Register for preservation; and see the Council's special letter of thanks to his Majesty at pp. 557–8, with the attached footnote there for some additional particulars. The Council do not quite hint that his Majesty had actually inspired the English judges in this case; but that they assumed some such power of his Majesty to influence the decisions of English Judges appears from a subsequent letter of theirs at pp. 596–597, where they complain to him of a decision by the English Court of Admiralty against certain Scottish merchants. Perhaps, however, no letter in the volume illustrates more remarkably the importance of the King's own personality, from the Scottish point of view at least, as the main link of connection between the two kingdoms, than that at pp. 626–7, of date 26th June 1610, from the Scottish Privy Council to the English. The recent assassination of Henry IV. of France by Ravaillac had moved the Scottish Privy Council greatly, or had suggested to them that they ought to appear to be greatly moved. Was not their own sovereign now among strangers, exposed to unusual dangers on that very account, and all the rather because of his fondness for field-sports and his habit of riding about in out-of-the-way English places without much attendance? It was in this spirit that they wrote to the English Privy Council. "As that grite jowell, our dread Soverane and gratious "Lord, schynis daylie in your sicht and eyis, so will his rair "verteuis no doubt kendle in your myndis ane ardent zeall to "preserve by all possible meanis his sacred persone from all "dangeris and inconvenientis, specialie being walkynned by so

" recent horrible and abhominable ane fact committed in the " nixt adjacent kingdome." Such was the general message, pointed by a kind of reflection upon the English Privy Council for suffering his Majesty to go about without sufficient guard. On receipt of the missive the English Councillors may have been a little annoyed, and may have asked themselves, recollecting the Gowrie Conspiracy and other such affairs of James's Scottish reign, whether his Majesty had been always safer in Scotland than he was now in England.

Apart from the frequent intercommunications between the Scottish official authorities and the English, one has to remember that agency for drawing the two kingdoms and peoples closer together which consisted in their increased commercial intercourse, and the increased coming and going between the two, whether on business or for pleasure, of eminent individual natives of each. Visits of Englishmen to Edinburgh, and even tours of Englishmen in Scotland, were now not rare. In especial, one observes that, by the King's encouragement or his positive orders, English divines now came into Scotland occasionally, to do what they could for the enlightenment of the Scottish clergy in the principles of Episcopacy, or otherwise to aid his Majesty's policy for ecclesiastical conformity between the two kingdoms. An important visit of this kind, of which there are glimpses in the footnotes at p. 122 and p. 151, was that of Dr George Abbot, Dean of Winchester, afterwards Archbishop of Canterbury, and famous in English History as Laud's Low-Church predecessor in that great office. Having come into Scotland in July 1608, with several other English divines, in the train of the Earl of Dunbar, to be present at the General Assembly of that year, he remained a month or two, witnessing not a few scenes and incidents which were to serve him as piquant reminiscences of Scotland and the Scotch through the rest of his life, and among them the execution of the Eyemouth notary George Sprott in the High Street of Edinburgh. Again, in June 1609, among the English strangers of distinction who were in Edinburgh during the ceremonial of the Scottish Parliament of that year, we hear (footnote p. 304) of Dr Godwin, then Bishop of Llandaff and after-

wards of Hereford, and Dr Milward, then Rector of St Margaret Pattens, London, and chaplain to his Majesty.[1] A year later, on the occasion of that General Assembly of June 1610 which completed the destruction of Presbytery in Scotland, there were again some English divines in the Earl of Dunbar's train (footnote p. 474). Naturally, however, these occasional visits of Englishmen, lay or clerical, to Scotland through the years 1608, 1609, and 1610, were as nothing numerically compared with the contemporary streaming of Scots into England. While there were still restrictions upon the tendency to a promiscuous migration southwards, the road to London was now free and open to all Scotsmen of rank or respectability. One may distinguish particularly two classes of Scotsmen who were now familiar with this road, and as much at home in the streets of London at the one end of it as they were in those of Edinburgh at the other. One consisted of those nobles and lawyers of the Privy Council and other eminent persons who, though resident habitually in Edinburgh, had to make occasional journeys into England for consultation with his Majesty on Scottish business, or made such journeys for reasons of their own. Not to revert to the fact that at least eight and twenty of the nobles and others of the Privy Council had spent some time in London in 1604 as Commissioners on the Scottish side for the Treaty of Union then in progress, and must have retained vivid recollections of all that they had seen and done in that memorable stay of theirs among the English,—"Tam o' the Cowgate" having much to tell of his important *tête-a-tête* sittings with Sir Francis Bacon over the draft of the Treaty,—one notes as historically significant the recurring notices in the present volume of the absence of this or that chief of the Scottish Government from his post for a month

[1] Respecting this Dr Milward there is an error in the footnote at p. 304, where, on the faith of Calderwood's information (vii. 38), his name is given as *Milburne*. That Dr Milward was the real name appears from the notices of that divine in Wood's *Fasti Oxon.* (i. 226 of Bliss's edition) and Cooper's *Ath. Cantab.* (ii. 522); in which last one reads:—"On 15 April 1609 a "warrant issued to pay him 100 marks on his being sent by the King into Scotland. His death "occurred 1 August in that year." There can be no doubt, therefore, that the "Doctor *Welwode*, one of his Majesteis chaplanes," for whose burial in the Canongate Church there is a warrant among the Miscellaneous Papers at p. 813, dated 3rd August 1609, was this same person. Though deciphered as "Welwode" in the transcript, the original may be read as "Melwode." The English stranger had left his bones in Scotland, and but an imperfect sound of his name even among the Privy Council officials.

or two together during the years 1607–10, to report this or that to his Majesty in England and receive confidential instructions in return. Distinguishable from these Scots, however, resident habitually in Scotland and only making occasional journeys into England, was that other class of Scots of good rank and family who, having accompanied the King into England in 1603, or followed him thither soon afterwards, had made London their headquarters, and only revisited their native country at intervals, or periodically in the summer and autumn. Chief among these, as we have seen already, was the great Lord Treasurer Dunbar, almost a naturalised Englishman by this time, but whose missions into Scotland on business were so frequent that he may be said to have lived on a shuttle between the two realms. The Duke of Lennox was another of those Scottish nobles who preferred England to Scotland. After Balmerino's fall, the Scottish Secretaryship of State, as we have seen, was a London office in the person of Sir Alexander Hay; and among the Scots resident at the English Court till November 1609 was that Sir James Stewart, eldest son of Lord Blantyre, whose unfortunate death in a duel at Islington is the subject of two letters from the Scottish Privy Council at pp. 607–608.

Habituated by this time to the English capital, to English ways, and even to the use of the strict English idiom in writing, was a rather interesting group of Scots who signalised this peculiar position of theirs by calling themselves "Scoto-Britons," and who are still remembered in Scottish Literary History. Sir Robert Ker, afterwards Earl of Ancrum, and known as a versifier, was one of the servants of the royal household in London; Sir David Murray of Gorthy, a more prolific versifier, was in the household of young Prince Henry; Sir Robert Aytoun, with more pretensions to be a poet than either, was in similar employment about the King and Queen; and William Alexander of Menstrie, with his four stately "Monarchic Tragedies" and nearly all his other poems already published, had begun, also as an *attaché* of the English Court, that career which was to make him such a celebrity among his Scottish fellow-countrymen for the next thirty years, under his higher successive titles of Sir William

Alexander, Viscount Stirling, and Earl of Stirling. These four "Scoto-Britons," in addition to the King himself, were perhaps the only Scots recognised in 1610 as belonging, whether by their past performances or by their tastes and their promise for the future, to that London world of letters in which, since Shakespeare had quitted it some years before for his Stratford retirement, Ben Jonson was the presiding figure. Aytoun and Alexander, more particularly, had the distinction of being the two London Scots who, on certificate from Ben Jonson that they possessed the right vein and wrote respectable English verse, had been received into the more intimate fraternity of the wits that met at the "Mermaid" and at other London taverns. These wits had not yet heard of a Scot who was to be of more mark eventually in English Literature than either Aytoun or Alexander, and who was just stepping on the stage of Scottish life when our present volume closes.

At p. 396, under date 11th January 1610, will be found an entry in favour of Sir John Drummond of Hawthornden in the matter of certain fees due to him in his office as one of the ushers of his Majesty's Privy Chamber in Scotland. Within a few months after that entry Sir John (a handsome, fair-haired man, of whom a portrait still hangs in Hawthornden House) was dead, and his son, William Drummond, at the age of four and twenty, was Laird of Hawthornden in his stead. The new Laird of Hawthornden was never to be a London Scot; but he had passed through London more than once, and had resided there for some little while altogether, in his journeys between Edinburgh and France in 1606 and subsequent years, when he was qualifying himself for the Scottish bar by attending the law-schools of Paris and Bourges. From these London visits he had brought back not a few English books that must have been rarities on the north side of the Tweed, if indeed there were other copies of them there at all. Thus, when he set up housekeeping in Hawthornden in 1610, abandoning the Law and resolved to live thenceforward as laird and poet only, he had in his library fifty select English books, consisting chiefly of such specimens of the finer Elizabethan Literature as Sidney's *Arcadia*, Spenser's

Faery Queene, Spenser's Minor Poems, the works of Daniel and Drayton so far as published, various single plays or poems of Greene, Marlowe, and Chapman, and the quarto delights of Shakespeare's *Venus and Adonis*, *Lucrece*, *Romeo and Juliet*, *Love's Labours Lost*, and *A Midsummer Night's Dream*. These last may have been the first specimens of Shakespeare that ever crossed the Tweed. Perhaps not, however. Had not Andro Hart been in business as a bookseller in the High Street of Edinburgh since 1600,—in the very shop afterwards occupied by the great publisher Archibald Constable; and may he not have already been in the habit, as we know he was afterwards, of importing products of the lighter and more popular English Muses as well as heavier books of English and continental divinity? Here was one agency towards the union of the two kingdoms and nations, more subtle, and more efficacious in some respects, than any with which King James busied himself. It was certainly in operation in 1610, when Drummond of Hawthornden, though faithful enough to the literary traditions of his native Scotland, and a diligent reader of Knox and Buchanan in particular, was beginning his own literary career as avowedly a pupil rather of Spenser, Shakespeare, and the other English Elizabethans.

VI. Connection with Ireland and Expected Share in the Plantation of Ulster.

Important in the history of Scotland, beyond all the ordinary conceptions of Scottish historians hitherto, as had been that part of the reign of James which followed his accession to the throne of England, the marks which his English reign left on the history of Ireland are hardly less memorable. "His reign," says Hallam, "is perhaps on the whole the most important in the constitu-
"tional history of Ireland, and that from which the present
"scheme of society in that country is chiefly deduced." It is in a specially Scottish connection that we have to attend to the elucidation which Hallam's remark receives from documents in our present volume.

James had succeeded to the throne of England, and so to the sovereignty of England over Ireland, at a particularly auspicious moment. The great Tyrone Rebellion, which had convulsed Ireland since 1595, agitating Ulster first, but extending itself thence into the other provinces, and latterly reinforced by troops from Spain, had received its shattering blow in December 1601, when Lord Mountjoy, the last Lord-Deputy in Ireland for Elizabeth, defeated Tyrone's army and its Spanish auxiliaries in a battle near Kinsale; and Mountjoy had followed up his victory so successfully that in a year more the last smouldering relics of the Rebellion were extinguished, and its two beaten heads,—the veteran Hugh O'Neill, Earl of Tyrone, and young Rory O'Donnell, chief of Tyrconnell,—were glad to accept the terms of mercy which Elizabeth had found it prudent to offer them. These were that, on due submission, and promise of fidelity for the future, they should be pardoned for what was past, should retain their vast Irish estates or the bulk of them, and should be allowed to live on peaceably in Ulster with the guaranteed titles of Earl of Tyrone and Earl of Tyrconnell. The transaction was still going on when Elizabeth was on her death-bed, and was not formally completed till the reign of James had begun.

For the first four or five years of James's English reign all seemed to go well in Ireland. In 1604 Mountjoy was succeeded in the Irish Lord Deputyship by Sir Arthur Chichester; and it fell to this able man to be James's chief agent in that policy for the rule of Ireland which had been transmitted to him from his English predecessors. This policy, which consisted in a persevering struggle for the subjection of all Ireland gradually to English law and English institutions, had been first effectively set on foot by Henry VII., after the island had lain for centuries in its strange condition as a mixture of partly Scandinavianised Celtic natives, clinging to their ancient Celtic clan-chiefships and clan-customs, and an imported ingredient of Anglo-Norman and English settlers, who had adopted Irish habits and the Irish speech, and were swayed tyrannically by a few great families of Anglo-Norman descent, such as the Fitzgeralds, the Butlers, and the Burkes or De Burghs, holding their Irish conquests

nominally by charters of English baronage and earldom. The struggle had been systematically prosecuted through the reigns of Henry VIII. and Elizabeth; and, complicated though it then was by the difficulties of the religious question,—the Protestant faith and the Protestant Church-system having been added in these reigns to the number of those English institutions which were to be forced upon Ireland,—yet in both reigns with considerable success. In Elizabeth's reign, in particular, before the great Tyrone Rebellion had threatened to snap the bond between the two countries altogether, there had been a considerable diffusion of English official agencies and strengthening of English rule in all the four Irish provinces, with the speciality of the plantation in Munster of the rudiments of a new colony of English settlers, to retrieve parts of that province from the desolation in which they had been left by the suppression of the Desmond or Fitzgerald rebellion in 1583. So much simplified, however, had the Irish problem been when James inherited it from Elizabeth,—the great Tyrone rebellion at an end, and Ulster apparently pacified,—that the farther advances made by English law and rule in Ireland in the first years of the English reign of the Scottish sovereign easily exceeded any made in far longer periods in the reigns of the Tudors.[1]

Under the apparently placid surface there were, of course, elements of disaffection. What with the resentment of the chiefs on account of the change of the system of land-tenures and the loss of their old tribal powers, what with the more generally felt grievance of the penalties and discredit attached to the native religion by the Protestant administration, and what with the mere operation of the transmitted anti-English sentiment, there began ere long to be signs, especially in Ulster, of a new stir against English rule. They came to a height in 1607, when Tyrone and Tyrconnell were again ominously restless. It did not seem impossible that there might be another rebellion, with fresh assistance from Spain, under their leadership. From that chance, however, Ireland was saved. Tyrone,

[1] For an account of the facts see the part of Hallam's *Constitutional History* relating to Ireland, and also Mr S. R. Gardiner's article on Sir Arthur Chichester in the *Dictionary of National Biography*.

having been summoned to England, ostensibly for the hearing of a dispute between him and one of his tenants before his Majesty in person, had prudently declined the dangerous journey; and, late in September 1607, he and Tyrconnell together took flight to Spain, never to behold Ireland again. They had left the disaffection to work in Ulster without their presence.

Seven months after their flight, the ferment broke out in what is known as the Insurrection of Sir Cahir O'Dogherty. It is at this point that the narrative of Irish affairs enters into the matter of these pages. Of O'Dogherty's insurrection, so far as it concerned Scotland at least, a very distinct conception may be formed from the documents relating to it now made public, if these are taken chronologically.

At pp. 497–8, under date 24th April 1608, may be read the letter from Sir Arthur Chichester and his Irish Council in Dublin to the Scottish Privy Council in Edinburgh announcing the outbreak of the rebellion. O'Dogherty was then in arms in Ulster, having seized and sacked the town of Derry; and, though Sir Arthur did not doubt being able to crush him soon, it was most important meanwhile to prevent the swelling of his forces. Hence, as there was no quarter from which he was more likely to receive aid than from the disaffected Celtic West of Scotland, separated as it was from Ulster by only a short sea-passage, Sir Arthur's representation to the Scottish Privy Council was that they could do the King valuable service by at once guarding this sea-passage, and so preventing the recruiting of the Ulster rebels by sympathising fellow-Celts from Kintyre, Islay, Arran, and the neighbouring Islands. While Chichester was despatching his letter to the Scottish Council, that body was already on the alert in the same business. Engaged as they then were, by the King's command, in independent preparations for that enterprise of the reduction of the Western Islands and Highlands which was to be carried out by Lord Ochiltree, a rising in Ulster had no ordinary significance for them in this domestic connexion; and, the news of O'Dogherty's capture of Derry having reached them in Edinburgh almost as soon as it had reached Chichester in Dublin, they had not waited stimulus from him. At p. 78,

under date 25th April, will be found their proclamation of the fact of the rising in Ulster, with order for the fencibles of all the south-western shires to be in readiness on that account; at p. 82, under date 28th April, is another proclamation forbidding any aid from those shires to the Ulster rebels under pain of death; and at pp. 498–9 is a batch of missives from the Council to the Earl of Abercorn, the Earl of Argyle, the Earl of Cassillis, and other important persons in the western shires, requiring their utmost vigilance in the crisis. Passing thence to p. 505, we find that the Council have at last received Sir Arthur Chichester's letter, and are answering it on the 12th of May. Their answer states what they have already done, and promises farther co-operation with Sir Arthur in every way possible. At p. 508, however, we become aware that, by the 30th of May, the King himself has prescribed to them a more positive way of co-operation with Sir Arthur than that of merely stopping communication between the rebels and the Scottish west. Orders are then out for a levy of 200 Scots, under two captains, to be at Ayr on the 20th of June, and thence, with two months' pay in advance and one month's victual, to be transported to the Irish coast at Carrickfergus for service under Sir Arthur; and the Council write to the Governor of Carrickfergus, telling him he may expect these levies by the 1st of July, and bespeaking his attention to them when they arrive. Of the mustering of these levies we hear again at p. 106, under date 9th June, and at p. 109, under date 13th June; and at p. 511, under date 21st June, we learn, from a second letter to the Governor of Carrickfergus, that the levies have been then actually despatched, and that the names of the two captains are Patrick Crawford and William Stewart. There is a third letter to the Governor of Carrickfergus, of date 13th July, at p. 512; but it merely asks him to transmit an enclosed letter to Sir Arthur Chichester. In this letter to Sir Arthur the Scottish Council explain that, as their own expedition for the reduction of the Western Highlands and Islands is now in a state of forwardness, and as his Majesty has just appointed Lord Ochiltree to be sole Lieutenant and Commander-in-Chief in that expedition, it will be necessary for Sir Arthur carefully to

study the relations between that expedition and his own Ulster business against O'Dogherty, and therefore to act in correspondence with Lord Ochiltree in the use he may make of the 200 Scottish levies that have been sent over to him, especially by so placing them on the Ulster coast that they may be available for Lord Ochiltree also in case of need. Though only 200 Scots have been sent to Ulster, would it not be good policy on Sir Arthur's part to spread a rumour among the Ulster rebels that much greater auxiliary forces were coming to him from Scotland; and, on the other hand, might he not do an excellent return service by mingling with this rumour another to the effect that he was to lend his English forces in Ulster without stint for the assistance of Lord Ochiltree in subduing the wild Celts of Scotland? Meanwhile, in sending Sir Arthur the 200 Scots under their two captains, with two months' pay in advance, Scotland has really strained herself to the utmost; and, after the end of the two months, Sir Arthur will have to consider these recruits as in his own pay!

Before this characteristically wary letter was written, the occasion for it was over. "The traytour O'Doharty, who, as "your Lordshipis haif hard, had added rebellioun unto his "sinnis, is latelie cutt of by the just judgement of God": such is the opening of a letter from Sir Arthur to the Scottish Council which will be found at p. 518, and which, though not precisely dated in the copy there, must have been written early in July. For, on the 23rd of July, there is an echo of it in the proclamation minuted at pp. 136–137 as sent out that day by the Scottish Council in Edinburgh, and beginning with the words "For-"samekle as the wicked and detestable traytoure O'Doharty, "who of lait had schaikin of his obedience to his sacred "Soverane and committit sindrie villaneis aganis his Majesteis "good subjectis in Yreland, is now, by the providence of "Almichtie God, and by the pouer and force of his Majesteis "royall airmey, slane and overthrawin upoun the fyft of this "instant, to the conforte and joy of all honest-hairtit subjectis, "and to the schame, terrour, and confusioun of traytouris." The rebellion, one sees from these words, had, after a short course of

little more than two months, been brought to a collapse on the 5th of July 1608 by the death of its chief, Sir Cahir O'Dogherty (which happened, as we learn elsewhere, in a skirmish that day at Doune in Kilmacrenan); and since then Sir Arthur Chichester's occupation in Ulster had been in the pursuit of its fragments and of the more important surviving fugitives. The Western Scottish Islands being the likeliest asylum for such of the fugitives as might contrive to escape from Ulster, he had, in his letter to the Scottish Council announcing the collapse of the rebellion, specially mentioned the two fugitives for whose apprehension, if they did escape to Scottish ground, he was most anxious. One was "a base brother of O'Dohartyie"; the other was a certain Phelim Reaugh M'David, a foster-brother of O'Dogherty and his chief counsellor and agent in the rebellion. A price of £200 had been laid on the head of the latter; and Sir Arthur had intimated that it would be gladly paid if he should be apprehended in Scotland.

As late as the 27th of July there was still, it appears, a hue and cry in Ulster after Phelim Reaugh; for, in Sir Arthur Chichester's next letter to the Scottish Council, despatched that day from "The Camp near Dungannon in Ulster," and printed at p. 519, he reverts to the possibility that Phelim may have escaped to Scotland, describing him, for purposes of identification there, as "of a meane statur, stronglie maid, a great hairy "blakishe beard, his head inclyneing to baldnes, and about the "age of 40 yeirs." A week later, after there had been that final proclamation of the Scottish Council for the capture of Phelim which will be found at pp. 139–142, we learn from Sir Arthur's next communication to them, given at p. 520, and dated 3rd August, that they did not need to trouble themselves any more about either Phelim or his comrade. "Nochtwith-"standing that Phelmy Reaugh and the base bruther of the late "tratour O'Doharty (for the apprehensioun of bothe which I "laitlie writ unto your Lordships), with all other the principall "rebellis, but speciallie those that did shedd ony bloode or wer "actouris at the spoilling of the Derey, ar ather slane, executc, "or apprehendit": such is a portion of one sentence of the

letter. It occurs incidentally, however ; and Sir Arthur is now dismissing that topic and passing to others. In fact, both in this letter and in the preceding, he treats the O'Dogherty Rebellion as a finished affair, and discusses chiefly two matters growing out of it. One was the matter of the Scottish levies and their pay. Though they seem to have come too late to be of much use, Sir Arthur had inspected one company of them at Duncannon, and had heard of the rest as still at Carrickfergus ; and he cannot conceal his opinion of them. It is not flattering. Of those he had seen his report is that he found " mony of them to " be young ladis, and all for the most parte so badlie clothed and " armed as lichtlie the lyke hes nevir bene sufferrit to pas in ony " former musteris heir." So in his letter of the 27th July. In that of the 3rd of August, written after receipt of the Council's wary letter of the 13th July, he adverts to the question which that letter had propounded as to the pay of the levies if they should be kept in Ulster after the two months which the Scottish Council had provided for. They are demanding, he says, a continuation of their Scottish rate of pay,—all except their two captains, who are reasonable on the point, and are trying to bring their men to reason ; but, as this would involve an expense of £35 per month for each of the Scottish companies over the cost of each of Sir Arthur's own companies, he was in a difficulty. As he could not yet disband the Scottish companies, he had referred the matter, he says, to his Majesty and the English Privy Council, and was waiting for instructions. With Sir Arthur's opinion of the worth of the Scottish levies, it is pretty evident that it was not without some self-restraint that he abstained now from farther remark on that head. With admirable temper, however, he does abstain ; and the main substance of the later letter, as of the earlier, consists of polite messages to the Scottish Council as to the further course of their common duty to his Majesty. As the service in which he had been engaged against the Ulster rebels and the service which the Scottish Council had in hand against the wild Celts of the Western Scottish Islands were from the first but two branches of one and the same service, and as, while the Ulster Rebellion

lasted, there had been a call on the Scottish branch for help to the Irish branch, so now, he assured the Scottish Council, it would be his effort that the Irish branch should render every help to the Scottish branch. In other words, Lord Ochiltree, as his Majesty's lieutenant in the expedition for the reduction of the Western Isles of Scotland, might now look not only for the English ships which had been commissioned for his aid in that expedition, but also for auxiliary soldiers from Sir Arthur's Ulster army to almost any extent. In fact, at the date of Sir Arthur's last letter, Lord Ochiltree was already on his voyage of conquest among the Western Islands. Of the incidents of that voyage an account has already been given; and we need recall here only that one of them which consisted in the capture in Islay after all of one or two anonymous fugitives from O'Dogherty's crushed rebellion. How these were disposed of may be learned from the letter of the Scottish Council, dated 25th August, which will be found at pp. 526–7. They had instructed Lord Ochiltree, they tell Sir Arthur, to hand over his Irish prisoners to the captain of the English ship attending his expedition, to be conveyed by him either to England or to Ireland for trial.

So ends the correspondence between the Scottish Council and Sir Arthur Chichester in the affair of the O'Dogherty Rebellion. What has chiefly to be remembered is that the coincidence in point of time between that rebellion and the expedition for the subjection of the Western Islands and Highlands of Scotland had established a new connection between Scotland and Ireland, and that Lord Ochiltree's successful Lieutenancy in the Scottish expedition was the immediate sequel of Sir Arthur Chichester's suppression of the Ulster rising.

All this was in the year 1608, and we have to pass into the year 1609 for the all-important consequence. That was King James's great scheme for the PLANTATION OF ULSTER.

The flight of Tyrone and Tyrconnell having left a vast extent of forfeited Ulster lands at the King's disposal, it had been resolved that there should be a repetition in Ulster, but on better-considered

principles, of the experiment that had been tried in Munster five and twenty years before. There was to be no general dispossession of the native occupants of the Ulster lands; but there was to be introduced among them a sufficient number of Protestant colonists from the main island to temper and overawe the native Irish material and constitute a Protestant core of the Ulster population for the future. Such was the general idea; and, both before and after O'Dogherty's rebellion, not a few minds had been busy in elaborating the idea into a workable scheme. Sir Arthur Chichester had been busy in chief, making surveys and preparing statistics; his subordinate Sir John Davis, the Irish Attorney General, better remembered now for his *Nosce Teipsum* and other fine English poems, had also been busy, and had come over to England full of plans and advices; the great Sir Francis Bacon had been busy, and had written those papers on the subject which may be read now in best form in volume iv. of Spedding's *Life and Letters of Bacon;* the King himself and his Prime Minister Salisbury had been busy. At last, in the early months of what was 1609 in the Scottish reckoning, though the English were still only in the last months of 1608 by their calendar, the scheme, so far as it had been then adjusted was out in print in London.

In summary, the scheme was this:—The escheated lands in the Province of Ulster, lying chiefly in the counties of Armagh, Tyrone, Coleraine, Donegal, Fermanagh, and Cavan, were to be parcelled out in estates of three sizes, the smallest to consist of 1000 English acres, the largest of 2000 acres, with 1500 acres for an intermediate size. Application for the estates was to be open to three classes of undertakers, viz.:—(1) English or Scottish persons generally, (2) Officials in the State-service in Ireland, whether English or Scottish, (3) Natives of Ireland. His Majesty reserved the right of appointing to each accepted undertaker the particular county in which he was to have his estate; but, to avoid emulation or controversy, the allocation of the estates within each county was to be by lot. The estates of 2000 acres were to be held of his Majesty by knight's service *in capite*, those of 1500 acres by knight's service to the Castle

of Dublin, those of 1000 acres by the tenure of common soccage; and the yearly rent to his Majesty for every 1000 acres was to be £5, 6s. 8d. for undertakers of the first sort, £8 for undertakers of the second or official sort, and £10, 13s. 4d. for native Irish undertakers,—the rent not to begin for undertakers of the first two sorts, however, till they had been settled for two years. Each undertaker must be in residence on his estate, in person or by an approved agent, for five years after receiving his letters-patent. Each undertaker for 2000 acres must, within the first two years of his residence, build on his estate a stone castle, with a strong court or "bawn" about it; each undertaker for 1500 acres must within the same time build a stone or brick house, with a similar court or bawn; and each undertaker for 1000 acres must build a strong court or bawn at least. Each undertaker must also stock his habitation sufficiently with arms. Moreover, each English or Scottish undertaker must within two years plant on his estate a competent number of English or Scottish tenants under him for its occupation and cultivation. There were some further conditions as to modes of cultivation, rights of demise or alienation, &c.; and a final condition was that every undertaker should, before the sealing of his letters-patent, enter into a bond, with good sureties, for the due fulfilment of all the conditions,—the bond to be in £400 sterling for an estate of 2000 acres, in £300 for one of 1500 acres, and in £200 for one of 1000 acres.[1]

It was on the 19th of March 1609 that Sir Alexander Hay, the Scottish Secretary resident at the English Court, dating *more Scotico*, penned at Whitehall the letter to the Scottish Privy Council in Edinburgh which is given in full among the Miscellaneous Papers at pp. 792–794. It must have stirred Scottish pulses more than any other document from London had done for many a day. Sir Alexander, as he there informs us, had himself been present, by command, in the meeting of the

[1] The matter in this paragraph is condensed from the original Articles of March 1608–9 as these are given in pp. 77–89 of the Rev. George Hill's *Historical Account of the Plantation in Ulster* (1877), a work containing the most complete documentary information on the whole subject from 1608 to 1620. Some slight discrepancies which may be detected in the account here given from that given in the few sentences quoted from Hallam in the footnote at p. 300 are to be accounted for by the fact that the scheme sustained modifications after 1609.

English Privy Council, a day or two before, at which the last details of the Plantation Scheme had been debated and settled. A most interesting meeting it had been; and he reports it carefully, giving an account of the main provisions of the scheme, substantially as above, but dwelling most on the particulars that concerned Scotland:—The roll of the English undertakers, he found, was already complete, not a few of the English Privy Councillors themselves having put down their names for shares in his presence,—*e.g.* the Prime Minister and Lord Treasurer Salisbury, and the Earls of Worcester, Suffolk, and Exeter; and in the English roll, he found, about thirty had subscribed for 2000 acres and about as many for 1000 acres. There were left, he calculated, at least 90,000 acres for the Scots to take up if they chose; and, after the Earl of Salisbury had read out at the Council Board the names of the English subscribers, his Lordship had distinctly intimated his Majesty's intention that the whole of this residue should remain at the option of the Scots, and his hope also that the roll of Scottish adventurers would be as numerous as that of the English. Only after the Scottish demand should be satisfied was any portion of the reserved residue to be open for English competition. There would be no lack of that, Secretary Hay hints; and therefore let his countrymen bestir themselves and seize the golden opportunity. Do they know what is meant by 2000 acres of Irish land? He had himself had but dim ideas on the subject; but he had been told that 2000 acres of Irish land meant a property of about two miles square of arable land and pasture, without counting attached wood and bog. Only imagine being laird of such an Irish property on such easy terms, or even being laird of 1000 acres similarly measured! As to the terms, he could conceive only two that might stagger intending Scottish adventurers or make them uneasy. One was that, as the allocation of lands in the different counties was to be by lot, the Scots would not be massed in Ulster together in one compact Scottish colony, as kindly Scots would like to be, but would be dispersed a good deal among the Irish and English over the whole province. In the main that could not be helped; but there would certainly

be precautions against too great separation of Scots from Scots or too promiscuous mixture of them with the Irish. Yes! but what about that stone castle which every adventurer for 2000 acres was required to build? Well, that condition would not be so formidable in reality as it looked on paper. He had asked some members of the Irish Council who were present in the meeting of the English Council what was meant by "a castle" in this article, and had been told that "nothing was meanit thereby bot any litill toure or peill," such as was common in the Scottish Borders. If there were any other articles that seemed hard to the Scots, or beyond their means, he would plead with his Majesty for their mitigation. It would be some time before any of the adventurers would be required to enter in possession of their allotments and face their responsibilities; but the faster the Scottish roll could be made up the better. There were already Scottish applicants round his own office in London; but it had been agreed to refer all such to the Council in Edinburgh, where the antecedents of the applicants, their respectability and competency, could be most accurately investigated. The making up of the Scottish Roll for the Plantation was to be entirely an affair for the Scottish Privy Council; and Secretary Hay would expect it at their earliest convenience. Meanwhile he thinks it would be proper for the Council at once to write a letter of thanks to his Majesty for his patriotic remembrance of Scotland in this transaction, and another to Lord Treasurer Salisbury for the handsome way in which he had backed the claims of Scotland in the English Council. As Ireland was a dependency of the English crown, the admission of Scotsmen to a share in the proposed Ulster Plantation was by no means a matter of course; and it had certainly been facilitated by Lord Salisbury. In that very meeting of the English Council at which Secretary Hay had been present he had heard with delight Lord Salisbury's emphatic praise of Scotland and the Scotch. His Lordship had actually said that, if he himself were to go to Ulster, he would prefer being located among the Scots, they were such a true and hardy people.

On the 28th of March 1609 the Scottish Privy Council, having

received Sir Alexander Hay's letter, issued the order which will be found at pp. 267–8. All the Scottish lieges were to be advertised by public proclamation at the market crosses and elsewhere of the great windfall which his Majesty, "out of his "unspeikable love and tendir affectioun toward his Majesteis "antient and native subjectis," had secured for Scotland; and those of them that were "disposit to tak ony land in Yreland" were requested to send in their petitions to that effect to the Council.

For a month or two from March 1609 what talk through the Scottish Lowlands about the scheme of the Ulster Plantation, what family consultations, what weighing of purses, what beating up for influential sureties, what hesitations as to the particular member of a family that should be chosen to carry the family fortunes and the family pedigree into the promising, but little known, Ireland! Not till June 1609 did the responses to the Privy Council's Proclamation begin to come in; or perhaps not till then were the Council prepared to book those applicants that were preferred. From a Royal Letter at p. 586, dated 6th June, it appears that the first Scotsman admitted to a share in the Ulster Plantation was a Robert Hamilton of Stanehouse, who had applied in London for 2000 acres, and to whom the King had promised an allotment to that extent in the County of Armagh; but the Letter purports that this was an exceptional case, and that all future enrolments must be by the Council Board in Edinburgh. The first enrolment there was on 13th June, when a James Anderson, "portioner of Little Govan," appearing before the Council personally, accompanied by John Allison in Carsbrig, had his petition for 1000 acres of the escheated lands in Ulster granted him, on becoming bound in £200 sterling, by himself as principal and the said John Allison as his surety, to "performe "and fulfill the haill articlis and conditionis appointed to be "performed be the saidis undirtakeris, according to thair severall "distinctionis, of building, planting, residence, alienation, and "making of estaitis to thair tennentis." See the entire formula of the entry at p. 300. On the 4th of July there was a batch of five more enrolments by the same formula (p. 312); on the 6th

of July a batch of six more (p. 315); on the 11th of July two more persons were enrolled (p. 316); on the 13th of July five more, besides the above-mentioned Robert Hamilton of Stanehouse (p. 317); on the 18th of July six more (pp. 321–2); on the 20th of July there was a batch of as many as thirteen enrolments (pp. 324–5); on the 25th of July there were no fewer than twenty-five enrolments all together (pp. 329–330); on the 27th of July there were six additional enrolments (p. 336); on the 4th of August there were six more (p. 346); and the last recorded enrolment is on the 14th of September, when one absent laggard was entered on his father's petition (p. 357). The roll, as thus completed, consisted of *seventy-seven* persons. The following is a list of their names, arranged alphabetically, with their designations, the names of their sureties, and the quantities of land for which they had applied respectively :—

Adamson, James, brother of Mr William Adamson of Graycrook (Craigcrook): *surety*, Andrew Heriot of Ravelston:—2000 acres.

Aitchison, Harry, in Edinburgh: *surety*, Mr James Cunningham of Mountgrennan:—2000 acres.

Alexander, Robert, son of Christopher Alexander, burgess of Stirling: *surety*, his said father:—1000 acres.

Anderson, James, portioner of Little Govan: *surety*, John Allison in Carsbrig:—1000 acres.

Anderson, John, burgess of Edinburgh: *surety*, Thomas Anderson, burgess there:—1000 acres.

Bellenden, John, son of the late Justice-Clerk Sir Lewis Bellenden: *surety*, Sir George Livingstone of Ogilface:—2000 acres.

Bellenden, William, also son of the late Sir Lewis Bellenden: *surety*, Mr John Hart, younger, in the Canongate:—2000 acres.

Borthwick, David, chamberlain of Newbattle: *surety*, George Thorbrand, burgess of Edinburgh:—2000 acres.

Brown, John, in Gorgie Mill: *surety*, Harry Aikman in Brumehouse:—2000 acres.

Carmichael, David, son of James Carmichael of Pottishaw: *surety*, Mr John Ross, burgess of Glasgow:—1000 acres.

Colquhoun, Mr Malcolm, burgess of Glasgow: *surety*, Alexander Colquhoun of Luss:—2000 acres.

Coutts, Robert, of Corswoods: *surety*, John Coutts, skinner, burgess of Edinburgh:—1000 acres.

Cranstoun, Nathaniel, son of Mr Michael Cranstoun, minister of Cramond: *surety*, Robert Wardlaw in Edinburgh:—1500 acres.

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CRAWFORD, DANIEL, goldsmith in Edinburgh: *surety*, George Crawford goldsmith there :—1000 acres.

CRAWFORD, DAVID, son of Andrew Crawford of Bedlair: *surety*, Robert Montgomery of Kirktown :—2000 acres.

CRAWFORD, JAMES, goldsmith, burgess of Edinburgh: *surety*, Archibald Hamilton of Bairfute :—2000 acres.

CRAWFORD, ROBERT, of Possil: *surety*, John Montgomery of Cokilbie: —2000 acres.

CRICHTON, ABRAHAM, brother of Thomas Crichton of Brunstone: *surety*, said Crichton of Brunstone :—2000 acres.

CRICHTON, THOMAS, of Brunstone: *surety*, Mr James Cunningham of Mountgrennan :—2000 acres.

CUNNINGHAM, ALEXANDER, of Powton: *surety*, George Murray of Broughton :—2000 acres.

CUNNINGHAM, JOHN, of Raws: *surety*, James Guidlet in Strabrock :—2000 acres.

DALRYMPLE, JAMES, brother of Dalrymple of Stair: *surety*, George Crawford, younger of Auchincorse :—2000 acres.

DOUGLAS, GEORGE, of Shiell: *surety*, Douglas of Pumpherston :—2000 acres.

DOUGLAS, JAMES, of Clappertoun: *surety*, George Douglas of Shiell :—1000 acres.

DOUGLAS, WILLIAM, son of Joseph Douglas of Pumpherston: *surety*, his said father :—2000 acres.

DUNBAR, ALEXANDER, of Egirness: *surety*, George Murray of Broughton: —2000 acres.

DUNBAR, JOHN, of Avàch: *surety*, David Lindsay, keeper of the Tolbooth of Edinburgh :—2000 acres.

FINLAYSON, Mr JOHN, heir-apparent of Killeith: *surety*, John Dunbar of Avach :—2000 acres.

FORRES, JOHN, in Dirleton: *surety*, Walter Ker of Cocklemill :—2000 acres.

FORSTER, WILLIAM, in Leith: *surety*, John Forster in Edinburgh: 1000 acres.

FOWLER, WILLIAM, merchant-burgess in Edinburgh: *surety*, James Inglis, skinner, burgess of Edinburgh :—2000 acres.

GUIDLET, JAMES, in Strabrock: *surety*, John Cunningham of Raws :—2000 acres.

HAMILTON, CLAUD, of Creichness: *surety*, Archibald Hamilton of Bairfute :—2000 acres.

HAMILTON, GEORGE, of East Binnie: *surety*, Mr Edward Marshall, clerk of commissary of Edinburgh :—2000 acres.

HAMILTON, ROBERT, of Stanehouse (enrolled in London) :—2000 acres.

HAMILTON, ROBERT, son of the late Gilbert Hamilton: *surety*, Gavin Hamilton of Raploch :—2000 acres.

HEPBURN, ALEXANDER, of Bangla: *surety*, Sir Robert Hepburn of Aulderstoun :—2000 acres.

HOME, ROBERT, of Blackhills: *surety*, Mr John Home of Swanshiell:—2000 acres.

INGLIS, THOMAS, younger of Auldliston: *surety*, James, Lord Torphichen:—1000 acres.

IRVING, ROBERT, at the Mill of Cowie: *surety*, Edward Johnston, younger, merchant in Edinburgh:—2000 acres.

JOHNSTONE, JOHN, bailie of Water of Leith: *surety*, Daniel Coutts in Dalry Mill:—2000 acres.

KER, WALTER, of Cocklemill: *surety*, John Forres in Dirleton:—1500 acres.

LAUDER, ALEXANDER, son of William Lauder of Beilhaven: *surety*, his said father:—2000 acres.

LINDSAY, Mr JEROME, in Leith: *surety*, David Lindsay, keeper of the Tolbooth of Edinburgh:—2000 acres.

LINDSAY, Mr ROBERT, in Leith: *surety*, George Smailholm in Leith:—2000 acres.

LIVINGSTON, SIR GEORGE, of Ogilface: *surety*, John Crawford of Bearcrofts:—2000 acres.

LOCKHART, STEPHEN, of Wicketshaw: *surety*, Thomas Weir of Kirktoun:—2000 acres.

M'CLELLAN, HERBERT, of Grogrie: *surety*, George Murray of Broughton:—2000 acres.

M'CULLOCH, JAMES, of Drummorell: *surety*, George Murray of Broughton:—2000 acres.

M'GILL, Mr SAMUEL, burgess of Glasgow: *surety*, Robert Gray, brother of Patrick, Lord Gray: 2000 acres.

MAC WALTER, PARLANE, of Auchinvennell: *surety*, Alexander Colquhoun of Luss:—2000 acres.

MARJORIBANKS, THOMAS, son of Thomas Marjoribanks of Ratho: *surety*, John Marjoribanks, apparent of Ratho:—2000 acres.

MELDRUM, JOHN, brother of the Laird of Seggie: *surety*, Ramsay of Balmonth:—2000 acres.

MELVILLE, JAMES, son of John Melville of Raith: *surety*, James Melville of Fadinche:—2000 acres.

MONTGOMERY, ROBERT, of Kirktown: *surety*, Robert Crawford of Possill:—2000 acres.

MOWBRAY, WILLIAM, son of John Mowbray of Croftangry: *surety*, his said father:—2000 acres.

MURE, JAMES, portioner of Bothkenner: *surety*, Cuthbert Cunningham, provost of Dumbarton:—2000 acres.

MURRAY, GEORGE, of Broughton: *surety*, Alexander Dunbar of Egirness:—2000 acres.

ORROCK, CAPTAIN DAVID: *surety*, Lord Ochiltree:—2000 acres.

PONT, Mr TIMOTHY, minister: *surety*, Alexander Borthwick of Nether Laich:—2000 acres.

PURVES, THOMAS, in Bold: *surety*, John Purves, cordiner in Edinburgh:—1000 acres.

RAMSAY, ALEXANDER, brother of Thomas Ramsay of Balmonth: *surety*, Meldrum of Seggie:—2000 acres.

ROSS, Mr JOHN, burgess of Glasgow: *surety*, James Carmichael of Pottishaw:—1500 acres.

SMAILHOLM, GEORGE, in Leith: *surety*, Mr Robert Lindsay in Leith:—2000 acres.

STEWART, HARRY, of Barskimming: *surety*, Lord Ochiltree:—2000 acres.

STEWART, JAMES, of Rossyth: *surety*, William Stewart of Dunduff:—2000 acres.

STEWART, ROBERT, uncle of Lord Ochiltree: *surety*, said Lord Ochiltree:—2000 acres.

STEWART, ROBERT, of Robertoun: *surety*, William Stewart of Dunduff:—2000 acres.

STEWART, ROBERT, in Edinburgh: *surety*, William Stewart of Dunduff:—2000 acres.

STEWART, WILLIAM, of Dunduff: *surety*, Lord Ochiltree:—2000 acres.

TARBET, JAMES, servitor to the Earl of Dunfermline: *surety*, Thomas Inglis, younger of Auldliston:—1000 acres.

THORBRAND, ALEXANDER, son of George Thorbrand, burgess of Edinburgh: *surety*, his said father:—1500 acres.

WATSON, Mr JAMES, portioner of Sauchton; *surety*, John Watson, portioner of Sauchton:—2000 acres.

WATSON, JOHN, portioner of Sauchton: *surety*, James Crawford, goldsmith, burgess of Edinburgh:—2000 acres.

WEIR, THOMAS, of Kirktoun: *surety*, Stephen Lockhart of Wicketshaw:—2000 acres.

WILKIE, JOHN, burgess of Edinburgh: *surety*, James Murray, burgess there:—2000 acres.

WOOD, ANDREW, brother of John Wood of Galstoun: *surety*, his said brother:—2000 acres.

Several remarks have to be made on this list:—(1) Of the 77 Scottish undertakers no fewer than 62 subscribed for the maximum quantity of 2000 acres, leaving but 4 subscribers for 1500 acres, and but 11 who took the minimum of 1000 acres. If Sir Alexander Hay was correct in saying that the roll of English undertakers when it was first made up numbered but about 60 in all, and that about half of these had subscribed for the maximum and about half for the minimum, the indication would be that there was a much greater avidity for Irish land among the Scotch than among the English. (2) The avidity was not among the Scottish nobles as yet; for, whereas Hay had reported that a number of the English nobles and Privy Councillors had put down their names for shares, there is no name of a Scottish

noble among the principals in this list. (3) The undertakers from Scotland seem otherwise to have been persons of tolerably respectable social quality. There are lairds among them, one or two of these being of knightly rank; there are some scions of the nobility among them, and one parish minister of distinguished name; and the rest consist mainly of sons or brothers of lairds, sons of ministers, and burgesses and sons of burgesses, with only a few of apparently inferior condition in life. (4) There is a remarkable interlinking of the principals and their sureties. In a good many cases there is reciprocity of arrangement,—the principal in one enrolment standing in another as surety for the person whom he had tendered as his own surety; and there are cases of principals who, besides being sureties for their own sureties, are sureties also for several others. Thus George Murray of Broughton, besides being surety for his own surety, Alexander Dunbar of Egerness, is surety for three other principals. Lord Ochiltree, not a principal himself, is surety for four of the principals, of whom three were Stewarts, doubtless all his relatives. One infers that the demand for shares ran in knots in particular kindreds and neighbourhoods, and perhaps also that there was favouritism on the part of the Council, swaying them in particular directions.

What is most striking, however, is the largeness of the aggregate subscribed for from so poor a country as Scotland. Secretary Hay had calculated, in March 1609, that as much as about 90,000 acres of the escheated lands remained to the Scots for the asking; but here, in September 1609, was a total of 141,000 acres actually apportioned, so far as the Scotch Privy Council had authority, among the 77 Scots who had by that time been enrolled. Now, as a condition was that every undertaker should plant on his property within a certain time a competent number of tenants under him, and as we find from subsequent information that this was interpreted to imply the planting of forty-eight able-bodied men of over eighteen years of age on every estate of 2000 acres, and of a proportional number on estates of 1500 and 1000 acres, what was involved, if the foregoing list held good, was that there should be 3,384 able-

bodied Scotsmen in Ulster within the next few years, occupying and cultivating those 141,000 acres under the 77 proprietors. As most of these would go from Scotland itself, and as wives and families would go with some of them, and younger relatives with others, one can hardly estimate the projected migration from Scotland to Ulster, according to the above list of September 1609, at less than between 10,000 and 12,000 souls in all.

A migration of Scots into Ulster there was to be within the next few years, and probably to that extent, but not according to the foregoing list. The roll of the Scottish undertakers, as completed in Edinburgh in September 1609, had to pass scrutiny at headquarters in London, and there it was found unsatisfactory. There were too many absurdly insufficient 2000 acres men in it, too many persons of doubtful competency for the obligations of even 1500 or 1000 acres, too few capitalists or men of high national note. On this account alone a revision of the roll would have been inevitable, with such a recasting of the arrangements as could not but disappoint a large number of the originally registered seventy-seven. But, in fact, the whole scheme of the Ulster Plantation as it had been first drafted in 1608–9 had been found to be too crude and hasty; and orders were already out in July 1609 for a deliberate arrest of the business for another year, to permit a new and more exact survey to be taken of the escheated lands, and also to permit a reconsideration of the conditions on which they should be granted out. Instead of commencing in the autumn of 1609 the actual Plantation of Ulster was not to commence till the autumn of 1610; by which time the original lists of undertakers, whether English or Scottish, had been superseded by careful selection and a brisk new competition. A proportion of the seventy-seven Scots above-named were to pass muster at last, but only a proportion. Which of the seventy-seven were disappointed, and what was the actual composition of that migration by which within the next few years so many Scottish families were founded in Ulster and that part of Ireland became so distinctively Scottish, are matters beyond the limits of our present volume. In the Ulster Plantation scheme, as in other things, we stop in June 1610.

Already, however, in the latter part of 1609 and the beginning of 1610, there must have been a good deal of preliminary intercourse between Scotland and Ireland in the interest of the great scheme. The administrative connection between Scotland and Ireland, at all events, was then more intimate than ever it had been before. An illustration will be found in the entries at p. 390 and p. 393, of dates 20th and 23rd December 1609, respecting the vigorous dealings necessary with two companies of Irishmen who, having been sent off from Ireland by his Majesty's command for "the wearis of Swaden," to keep them out of further "wearis" of the O'Dogherty kind at home, had been driven by stress of weather to Peterhead, had broken away from their captains there, and were roaming over Scotland, in the desperate hope, poor fellows, of avoiding the Swedish service altogether, and finding their way back somehow to old Ireland. The latest Scoto-Irish entry of any importance in the volume is the brief minute at p. 469, of date 24th May 1610, which runs in these words,—"*Chargeis to be direct aganis the Irishe Under-takaris to compeir upoun Tyisday nixt to find cautioun.*" This looks as if, by direction from headquarters, the sifting of the Seventy-Seven had already begun.

Mr James Grant, M.A., the assistant of the present editor in volumes iii.–vii. of this Register, as he had been of Dr Hill Burton in volumes i. and ii., died on the 9th of August 1885, when the materials for the present volume were but in preparation. The nine years spent by Mr Grant in the service of this series of volumes were perhaps to himself the most congenial portion of his industrious, useful, and too short life. How much of head and heart, and of accurate manual labour, he threw into the occupation can be known to no one better than to the present editor; whose regret is that these closing words, instead of being a renewed expression of thanks to so worthy a friend as one still living, should have to be a tribute to his memory.

REGISTER

OF THE

PRIVY COUNCIL OF SCOTLAND.

ACTA ET DECRETA 1607–1610.

REGISTER

OF

THE PRIVY COUNCIL OF SCOTLAND.

ACTA ET DECRETA 1607.

cta 1607–8. age 551.

Sederunt.—Chancellor; Marschell; Mortoun; Cassillis; Wyntoun; Lowthiane; Balmerinoch; Halyruidhouse; Culrois; Torphechin; Master of Lowthiane; Collector; Advocate; Privy Seal; Justice Clerk; Quhittinghame; Mr Lues Craig; Sir Johnne Arnot; Mr Petir Rollok; Sir James Hay; Sir Alexander Drummond. Edinburgh, 5th November 1607.

By the King's warrant, dated at Roistoun 18th October last (*ante*, vol. vii. p. 542), Sir Alexander Drummond of Medop is admitted of the Council, and gives his oath *in communi forma.* Sir Alexander Drummond.

Johnne, Earl of Cassillis, William, Earl of Mortoun, and Sir Alexander Drummond of Medop, appearing, give their oath of allegiance as set down in the Act of 2nd June last. Cassillis, Mortoun, Drummond.

As, notwithstanding the many good Acts of Parliament against the exporting of tallow (1424, c. 8, ii. 7; 1485, c. 2, ii. 174; 1526, c. 4, ii. 314; 1540, c. 44, ii. 378, &c.), divers persons in this kingdom cease not covertly, and sometimes publicly, under colour of license, to export great quantities, so that "the prices of the talloun and candle, quhilkis ar sa necessar for personis of all rankis," have risen to "ane extraordinair heicht," the Lords ordain proclamation to be made of the said Acts at the market crosses of the head burghs and at all the sea-ports, with charge to all and sundry not to export any tallow, "nor to rynd, melt, or barrell the same," under pain of confiscation of all their moveables, according to the said Acts. Act for enforcing the laws against the exporting of tallow.

ge 552.

The King and Council, "informed of the unquiet and turbulent dispositioun of Mr William Levingstoun, minister, professing himselff rather a foisterair of discord and dissentioun then, according to his dewytie and functioun, ane instrument for the unitie and peace of the Churche," and "seing thairfore the restreaning of suche personis frome thair too muche wandering and travelling abrode is necessar fore boith, for the quietnes of the Churche and for the weill of thair particulair floke, quhilk oft is Warrant for confining Mr William Livingstone within his own parish.

ge 553.

neglected upoun thair too grite desyre to be busyed in unnecessar and unproffitable imployments," ordain charge to be given to the said Levingstoun to confine himself within his own parish till relieved, under pain of rebellion.[1] Acta 1607–8.

The Court of Session prorogued.

The Lords, "for certane guid caussis," prorogate the sitting of the session till 1st December next, and ordain proclamation to be made accordingly at the market cross of Edinburgh.

Warrant to try John Forbes of Corsindae.

Johnne Forbes, called of Corsinday, having been committed to ward in the tolbooth of Edinburgh for certain crimes (*ante*, vol. vii. p. 442), the Justice and justice clerk are ordained to set a justice court in the said tolbooth for his trial upon 6th instant, when his Majesty's Advocate is to appear and conduct the prosecution of Forbes according to law.—Connect with Royal Letter of 2nd November 1607.

Lord Maxwell to be still detained in ward.

Having considered the petition of Johnne, Lord Maxwell, craving to be released out of his ward (see vol. vii. pp. 441, 539), the Lords ordain him to be detained in ward till he enter his brothers before the Council, and submit to the Council all differences between him and the Earl of Mortoun, according to his Majesty's direction in his letter to the said Lords.

Earl of Morton and Lord Maxwell.

William, Earl of Mortoun, being asked if he will submit all differences between him and Lord Maxwell to arbitration, takes the next Council day, viz. 26th instant, to "gif ane direct answer thairanent," while Mark, Earl of Lowthiane, declares, in name of Lord Maxwell, that Lord Maxwell is willing to submit all matters questionable between him and the said Earl of Mortoun. Page 554.

Suspension of horning against Ninian Moir and others.

Complaint by Niniane Moir in Kildoning, Thomas Chapman there, James Diksoun there, Beatrix Stewart, relict of James Chapman there, Niniane Gairdin there, Johnne Chapman there, Robert Moir there, and James Hutsoun, as follows:—They are charged, under pain of rebellion, to find caution, each in £500, for the indemnity of Johnne Murray of Tibbermure, Sir James Murray, his eldest son and apparent heir, Patrik Murray, also his son, and Johnne Murray of Clachybeg, personally, and in the possession of their lands and teinds of Kildoning. Now, (1) defenders will not make faith that they dread harm of the complainers; (2) complainers hold the said lands of Mr William Oliphant of Newtoun, advocate, heritable proprietor of the same; (3) the matter of teinds is "altogidder aganis the forme of lawburrowis"; (4) the complainers, because of double inhibitions for this instant crop of 1607,—the one at the instance of the Masters of St Leonard's College, and the other by the said Johnne Murray, and James Murray, his son,—"haveing meanit" themselves to the Lords of Council and Session, had been ordained to intromit with the said teinds, giving caution to make the same furthcoming to the parties having best right thereto; (5) complainers Page 555.

[1] The subject of this entry was William Livingstone, minister since 1600 of Monyabrock (now Kilsyth), in Stirlingshire, afterwards minister of Lanark, and father of the John Livingstone of Ancrum who was of so much greater subsequent celebrity in the annals of Scottish Presbytery. He is charged, it will be seen, with no definite offence, but only with general Presbyterian restlessness.

cta 1607 8. being poor tenants and labourers, the said pains are far above the sum appointed for persons of their condition. On these grounds, and because they have found caution as required, the said horning should be suspended.—Pursuers appearing by Mr William Oliphant, and he passing from all the reasons pleaded for the suspension except the last, and none
age 556. of defenders appearing, the Lords do suspend the letters of horning, and modify the pains to £40 for each of the complainers.

Decree against Robert Lecky for debt.

Complaint by Alexander, Lord Elphingstoun, that Robert Leckie, fiar of Kipdarroch, remains unrelaxed from a horning of 24th October last for not paying him £200 as principal, £20 for expenses, and £40 for damage and interest.—Complainer appearing by Alexander Lesk, defender, not appearing, is to be apprehended by the Captain of the Guard and his goods inventoried for the King's use.

To denounce Mr John Edmiston and others for neglect of a charge to appear as witnesses.

Charge had been given to Mr Johnne Edmestoun, portioner of Newtoun, William Hodge there, and Patrik Scot there, to appear this day to bear witness in the action pursued by Johnne Barboure, vicar of New-
age 557. toun, against Marioun Hepburne, relict of Patrik Edmestoun, portioner of Newtoun, touching her striking of the said pursuer with "ane grite kay upoun his heid, under his luge, sua that thairby he fell to the ground deid."—Pursuer appearing personally, but none of the said persons cited as witnesses, the order is to denounce them rebels.

Decree against Adair of Kinhilt and his sureties.

Complaint by Mr Johne Johnnestoun, commendator of Halywood, that William Adair of Kinhilt, as principal, and William M°Culloch of Myretoun, Andrew Agnew of Lochnaw, sheriff of Wigtoun, Alexander Gordoun of Barskeoch, and William Houstoun of Cotreoch, as sureties, remain unrelaxed from a horning of 18th September last for not paying him 1000 merks as principal and 200 merks for expenses.—Charge had been given to all the defenders except Gordoun to answer; and now, pursuer appearing personally, but none of defenders, there is the usual
'age 558. warrant to the Captain of the Guard to apprehend them and inventory their goods.

Suspension of horning against David Ramsay and others.

Complaint by David Ramsay at the hill-head of Leswaid, Thomas Andro in Poltoun-mill, and Mungo Scorte in Cawok-mill, that Sir George Ramsay of Dalhoussie, alleging that they pasture their goods on his lands of Dalhoussie and Caringtoun, has charged them to find caution, each in 500 merks, under pain of rebellion, for his indemnity. As Sir George cannot give his oath that he dreads molestation from them, as the due pain for each of them by Act of Parliament is £40 only, and as they have found the caution required, the horning should be suspended.—Pursuers
'age 559. appearing, but not defender, the Lords do suspend the horning, and modify the pain to £40 for each.

Earl of Cassillis against Mure of Auchindrane and others for shooting with purpose to murder.

Complaint by Johnne, Earl of Cassillis, and by Sir Thomas Hammiltoun, for his Majesty's interest, that upon 30th September last, while Hew Kennedy of Garryhorne and Thomas M°Quharg, servitors to the Earl, were returning from the burgh of Air to their houses, Johnne Mure of Auchindrane, James Mure, younger thereof, James Bannatyne in Chapel-

donnane, and others, armed with swords, gauntlets, and platesleeves, and with hagbuts and pistolets, waylaid them on the high way, and, as soon as they saw them come out of the said burgh, "lap on horsbak, and brak at thame, feirslie set upoun thame, being naiked and without armour," discharged three shots of pistolets at them, shot M^cQuharge through the "brane of the leg," and would have slain them but for the providence of God and their own better defence.—Pursuers appearing, but none of said three defenders, the order is to denounce these rebels. Acta 1607–8 Page 560.

Prosecution of certain ministers of the Merse for their conduct in the late Synod at Duns.

Mr Tobias Ramsay, Johnne Smyth, Mr James Daes, Johnne Clappertoun, and Mr David Home, appearing as charged to answer for their late "contempt" in presuming to annul an Act of the General Assembly of Linlithqu (*ante*, vol. vii. p. 453), and Sir Thomas Hammiltoun being present for his Majesty's interest, the Lords find that the said Mr Tobias Ramsay, moderator of the said pretended Synod, "for presumeing to propone to the Synode ony questioun or article, and in speciall the questioun and article foirsaid tending to the dischairgeing the moderatouris of thair prisbitereis, and annulling thairby of the Act of the Generall Assemblie of the Kirk maid anent the establischeing of constant moderatouris of prisbitereis, quhilk wes not lauchfull to be proponed or motioned in ony inferioure meiting of the Kirk, bot onlie in ane Generall Assemblie," and the said Johnne Smyth, "for presomeing to be clerk to sic ane unlauchful proces, he being sufficientlie acquentit with the forme and ordour of proceiding in the Assembleis and meittingis of the Kirk," have committed "verie grite offence," and therefore ordain them to enter in ward in the castle of Blaknes, within 48 hours after the charge. The reason of this judgment is that, "Mr Tobias Ramsay being demandit how he durst presome to propone sic ane impertinent questioun to the Assemblie, he schew na lauchfull caus, bot onlie that the bretherine wer grevit with the course tane at the Assemblie of Linlithqu for establischeing of moderatouris of prisbitereis, and thairfore desyrit that the same mycht be brocht in questioun in thair Synode, and, the said Johnne Smyth being demandit how he durst presume to be clerk and to put in forme sic ane unlawfull Act, he schew na lauchfull caus, bot simplie alledgeit that he wes clerk of that Assemblie and thairby wes oblist to put in forme all that wes treatit and concludit in the same." The Lords, moreover, ordain Johnne Clappertoun, moderator of the presbytery of Chirnesyde, and Mr David Home, moderator of the presbytery of Duns, to continue in the moderation of said presbyteries, and assoilzie them from the present complaint, because they have declared that, when the "mater of the dischairge of the moderatouris" was proponed in the Synod and was being put to the vote, "they wer removit and the mater concludit afoir they were callit in," and that they "simplie acquiest to the determinatioun of the Synode, and were not the procureairis nor suittairis of thair awin dischairge," and, further, that they are willing to continue in their moderation if the said Lords decern them so to do. Mr James Daes is also assoilzied, because, after making the said sermon to the Synod, he "mellit no forder in the effairis." Page 561. Page 562. Page 563.

Acta 1607-8.

As, in the pretended Synod held at Duns on 13th October last, Mr David Home having been unlawfully removed from the moderatorship of Duns, and Johne Clappertoun from that of Chirnesyde, Mr William Hog, minister at Aytoun, had unlawfully accepted the office of Clappertoun, and Mr Patrik Hepburne,[1] parson of Cranschawis, that of Home, there is order to charge the said Hog and Hepburne to answer before the Council on 26th instant, under pain of rebellion.

Charge to Mr William Hogg and Mr John Hepburne to answer for having unlawfully accepted moderatorships.

Page 564.

As, although Mr David Home had been ordained to continue as moderator of the presbytery of Duns, and Johnne Clappertoun as moderator of that of Chirnesyde, yet "on nawyse will [they] continew in thair said office and charge, nor yit will the ministeris of the saidis two presbytereis acknawledge and obey them in the same chairge," there is order to direct letters charging Mr David and Johnne to continue in their said office without refusal or excuse, and the ministers of the said two presbyteries to acknowledge and obey them, and none others, as their lawful moderators, under pain of rebellion.

Charge to the presbyteries of Duns and Chirnside and moderators thereof.

Johnne Gordoun of Collinda appearing as procurator for Sir Robert Gordoun of Lochinvar, and having produced dame Elizabeth Ruthven, spouse of the said Sir Robert, and protested that Sir Robert has thereby satisfied the Act by which he had become bound in £5000 for her entry, the Lords admit the protest, decern the said Lady to be free from the keeping of her husband, and ordain her, with her own consent, to remain in Edinburgh till farther order be taken anent "the differenceis" between her and her husband (see *ante*, vol. vii. p. 696).

Lady Lochinvar entered before the Council.

Page 565

The action between the town council of Perth on the one side, and Patrik, Lord of Lundoris, and James Leslie, his servitor, on the other, continued till first Thursday of January next; of which continuation David Leslie of Otteristoun, as procurator for the said Lord and his servitor, and Gabriell Merser and Robert Mathew, burgesses of Perth, as procurators for the other party, being present, are warned. Both parties renew the bands of caution in 10,000 merks to keep the peace *hinc inde* till that day; but caution by the procurator for Perth is to endure only till the report of a new band subscribed by Johnne, Earl of Tullibardin, as cautioner for the said burgh.

Continuation of the diet between Lord Lindores and the burgh of Perth.

"Forsamekle as, albeit the Kingis Majestie hes oft and divers tymes, alswele be particulair directionis send to the Lordis of his Majesteis Prevey Counsale, as be particulair instructionis gevin to his Majesteis Commissionair of the Kirk, signifeit and declairit the course and ordour that his Majestie wald have to be followit out be the ministerie in thair ecclesiasticque proceidingis aganis noblemen,—to witt that, gif the said noblemen sall gif ony just occasioun of scandaill to the Kirk, that then the saidis ministeris sall acquent the Lordis of his Majesteis Prevey Counsale alswele of the caus of the complaint as qualitie of the scandaill, to the effect the pairtie may be citit before the Counsale, and ather movit to cleir himselff of the fault and sklander, or ellis gif sufficient satisfac-

Charge to the Synods of Aberdeen and Moray sisting procedings against the Marquis and Marchioness of Huntly, threatened with excommunication.

[1] In the *Book of Sederunts* (1598–1609, Fol. 55, b) he is called Mr Johnne Hepburne.

tioun of his offence : quhairin gif he kyth wilfull and obstinat it is his Majesteis pleasour that his Heynes said Counsale sall proceid aganis him as a contempnair of his Majesteis lawis, commit him to presoun, and acquent his Majestie with thair proceidingis, quhairthrow his Majestie may returne his Heynes will and pleasour quhat forder his Majestie wald have to be done boith be his said Counsale and the ministerie for remove- Page 566. ing of the sklander that hes come be that offence, as in the declaratioun of his Majesteis will maid heiranent at lenth is contenit;—quhairof albeit the ministeris of the Provinciall Assemblie of Abirdene and Murray hes bene dewlie and sufficientlie acquentit be the Laird of Lowrestoun, his Majesteis Commissionair for the tyme, and in that respect aucht to have conformit thameselffis to his Majesteis moist wyse, grave, and godlie course foirsaid set doun be his Heynes for the weill of the Kirk and eschewing of all occasioun of sclander within the same; nevirtheles, it is of treuth that the ministeris of the saidis provinceis of Abirdene and Murray hes laitlie intentit ane proces againis George, Marques of Huntley, and Henreet, Marquesse of Huntlie, his spous, alswele for thair not communicating and participatioun of the sacramentis as for divers thair allegeit misbehaviouris of ane evill example and sklanderous to the Kirk. In the quhilkis processis they intend to proceid to excommunication aganis the said Marques and his said spous, they nawyse haveing acquentit the Lordis of his Heynes Prevey Counsale with the nature and qualitie of the offence and sklander commitit be thame,—quhairthrow they mycht have bene conveuit before the Counsale and tane ordour with and punist, according to the ordoure set doun and prescryvit be his Majestie thairenent,—and unto the tyme that this course be followit out be the saidis ministeris all forder proceiding aganis the said Marques and his said spous aucht to be suspendit and dischairgit. Thairfore the Lordis of Secrite Counsale ordanis letters to be direct to command and chairge the ministeris of the saidis Synodis of Abirdene and Murray, that they on nawyse proceid to excommunicatioun aganis the said Marques and his said spous, quhill first they use the ordour prescryvit and set doun be his Majestie, as said is, and ressave his Heynes farder will and pleasour thairanent, undir the pane of rebellioun and putting of thame to the horne, with certification to thame and they failyie letters salbe direct simpliciter to put thame thairto." Acta 1607-8.

Decree against certain persons standing at the horn for non-payment of taxes.

Complaint by Sir James Hay of Kingas, collector of the taxation Page 595. granted to his Majesty in July 1606, against the following persons for remaining unrelaxed from hornings for non-payment of their parts of the first term's instalment of the said taxation:—viz. William, Master of Tullibardin, sheriff of Perth, and Sir Johnne Moncrief of Easter Moncreiff, his depute, £766, 15s., for part of the tax of the said shire; Duncane Campbell of Glenlyoun, £22, 10s., and Coline Eviott of Balhoussy, £3, 15s., for their lands of the lordship of Kinclevin; James, Commendator of Incheffray, £191, 2s. 2d., for part of the tax of the said abbey; James Campbell of Lawers, £23, 10s. 4d., for the tax of priory of Straphillane;

Acta 1607-8. Mr Williame Row, £15, 10s. for the tax of prebend of Forgundeny; Alexander Young, £13, 15s. 7d., for the tax of the vicarage of Tibbermure; Sir Robert Grahame, £18, 6s. 10d., for the tax of the parsonage of Mukkarsie; James, Earl of Athoill, £13, 15s. 7d., for the tax of the parsonage of Blair, and £13, 15s. 7d., for the parsonage of Strowane; Andro Galbraith of Dundarroch, sheriff-depute of Dunbartane, £124, Page 596. 16s. 8d., for part of the tax of the said shire.—Complainer appearing by Archibald Prymrois, but none of said rebels appearing, there is order to the Captain of the Guard to apprehend them and inventory their goods.

Another decree against certain "hornaris" for non-payment of taxes.

Complaint by the Duke of Lennox and the Earl of Mar, collectors of the taxation of 100,000 merks granted to his Majesty in November 1601, and by Mark, Earl of Lotheane, collector of the taxation of 200,000 merks granted to his Majesty in December 1597, against the following persons for remaining at the horn far non-payment of their parts of the said taxations:—viz. Williame, Master of Tullibardin, sheriff of Perth, and Sir Johnne Moncreif of Easter Moncrief, his depute, £65, 5s. for part of the tax of the said shire in the first taxation; Duncane Campbell of Glenlyoun, £80 for his lands of Glenlyoun in the first taxation, and £50 for his lands and teinds of Kilmoriche in the two taxations; Alexander Young, vicar of Tibbermure, £41, 6s. 8d., for the said vicarage in the two taxations; Robert, Lord Sempill, sheriff of Renfrew, and Johnne Sempill of Brigend, Page 597. his depute, £110 for part of the tax of the said shire in the first taxation; Lord Sempill, £68, 17s., for the vicarage of Glasfurde in the two taxations; Johnne Carmichaell, Captain of Craufurde, £20, for the teindsheaves of Pettynnane in the second taxation, £10 in the first taxation, and £26 for his teindsheaves of the kirk of Robertoun in the same taxation; the said Captain, Johnne Tailfeir of Normangill, and Robert Tuedy of Southwode, £13, 6s. 8d., for the lands of Normangill, Whitegill, and Southwode in the first taxation; Mungo Johnnestoun in Over Howcleuch and Waltir Johnnestoun in Nether Howcleuch, £6 for their lands of Howcleuch, in the same taxation; Mr James Lyndsay, commissary of Lanark, £13, 15s. 7d., for the parsonage of Covintoun, in the same taxation.—Pursuers appearing by Archibald Prymrois, decree as above against defenders for not appearing.

Page 567. *Sederunt*—Lennox; Chancellor; Mortoun; Wyntoun; Lotheane; President; Uchiltrie; Saltoun; Master of Lotheane; Scone; Haliruidhous; Quhittinghame; Advocate; Collector; Sir Lues Craig; Sir Alexander Drummond; Mr Petir Rollok; Sir James Hay.[1] Edinburgh, 26th November.

Places of confinement assigned to some Borderers suspected of unruly courses.

Inasmuch as, for the better quieting of the "middle shyris of this kingdome," it has been thought meet by his Majesty that some of the "ringleadaris within those boundis," suspected either "for thair bigane

[1] In the *Book of Sederunts* (Fol. 55, b) Sir Johnne Arnott appears among the councillors and Sir Lues Craig is designated Mr Lues Craig.

conversatioun," or for their present "disordourit courseis," should be "confynnit in some pairt removed frome thair ordinarie residence," and inasmuch as "that same course is tane by his Majesties learned Counsell of England for suche as duelt within those of the middle shyris of that kingdome," there is order to confine the persons underwritten in the places following or within four miles round, viz.:—Johnne Carmichaell of Medoflatt, Captain of Craufurde, in Dundee; the Master of Maxwell in Dunkeld, or in any part of Fyffe and Angus; Alexander Jardane of Apilgirth and Johnne Carruthers of Holmendis, in the city of Sanct Androis; Williame Maxwell, apparent of Tynwall, and Hobby Carlile of Brydekirk, in burgh of Monrois; Robert Ellott of Reidheuch and Walter Scott of Gouldyelandis, in Coupar in Fyffe; Hobb Scott of Northhouse, in Perth; Walter Scott of Eidshaw, because of his inability to sustain himself, with the Laird of Reres or any other gentleman of Fyffe or Angus he may please; Johnne Ker of Corbethous and . Ker of Shaw, in Abirdeyne; Frasair of Ovirtoun and Richard Ruthirfurde of Littleheuch, in the city of Brechin; and Ruthirfurde, younger of Hundeley, in the town of Kirkcaldy.—Letters are to be directed charging the said persons to enter in ward in the said places, within six days after being charged, under pain of rebellion, and to remain in the said places till relieved by George, Earl of Dumbar, to whom is committed the charge of the late Borders. Acta 1607-8. Page 568.

Royal warrant for allowing to the customers a deduction of £10,000 yearly for the custom of English goods.

David, Lord of Scone, Comptroller, presents to the Council the following letter addressed to him, and signed by his Majesty at Roystoun 18th October last:—"JAMES R. Right trusty and weil-belovit Counsellour, we greit you weill: By your letter, and speciallie by the repoirt of the beirair thairof, the Lord Balmerinoch, oure Secretary, we haif undirstoode the particulariteis concerning Johnne Boig his complaynt aganis you; and, howevir the said Johnne seamed to haif a shew of reasoun on his syde, yitt hes our said Secretarye so sensiblie cleired all doubtis whiche myght seame to aryis in that mater as we hald oureselff sufficientlie satisfeit on your pairt. As concerning the uther pairt of your letter, tuicheing the dealing of oure Counsell and our said Secretarie in particulair with the takkismen of the customes, we find that the said takkismen had just reasoun not to seik ony commoditie of Englishe goodis; and thairfore, since no better conditioun may be had, it is oure pleasour that ye accord unto the saidis takkismen the defalcatioun of ten thowsand pundis yearlie during all the yearis of thair tak for the custome of Englishe goodis as is afoir-said. For we had rather chuse yearlie to sustene so muche losse then to mak ony alteratioun whiche may be drawne to the constructioun of our falling from oure formall resolutioun in ony thing concerning the advance-ment of the unioun of the two kingdomes."—The Lords find the King's command anent the said defalcation to be "very princelie," and therefore ordain the Comptroller to allow to the tacksmen of the customs the said sum yearly for the custom of the English goods. Page 569.

As, albeit Mr Tobias Ramsay, parson of Foulden, and Johnne Smith, Page 570.

Acta 1607–8. minister at Maxtoun, had been charged by the macer of the Council, in presence of the Lords thereof, to enter in ward in Blaknes for the "very greate offens" committed by them in the pretended Synod held at Duns, (*ante*, p. 4), yet, "in contempt" of the said decree, they have passed home, there is order to put them to the horn, with charge to the Captain of the Guard to apprehend them and carry them to the castle of Blacknes.

To denounce Mr Tobias Ramsay and John Smith, ministers, for disobedience.

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"Forsamekle as George, Marques of Huntly, being confynned within the burgh of Elgin and myllis thairaboute according to that direction formarlie send hame be his Majestie to the Lordis of Secreit Counsell [vol. vii. pp. 395–6], and his Majestie now considdering the small fruit of the said Marques stay in these pairtis, boith by reasoun of the few nomber of the learned ministeris thair with whome ather he micht confer or whose sermonis he myght heir, and als in regaird of that his greate commandiment and following in these same boundis, being sa far remote frome the place of the residence of the Prevey Counsell as no doubt it gevis him the more libertie to omitt the doing of that whilk is injoyned to him and he remanis altogidder uncontrolled for the same: And seeing the heiring of the Worde and conference with leirned men must be the banishearis from the said Marques of that his blind superstitioun: It is thairfoir his Majesteis will, pleasour, and directioun that the said Marques confyneing salbe changeit fra Elgin to Abirdeyne, and that his repairing to sermonis and conference with the learned men of the ministerie salbe heirefter within the burgh of Abirdeyne, as it wes formarlie appointed within the said burgh of Elgin, sua that his Majesteis goode intentioun for the confyneing of these nobilmen for bringing of thame to the knowledge of the treuth be not eludit. And thairfoir the Lordis of Secreit Counsell ordanis letters to be direct chargeing the said Marques of Huntly to addresse himselff to the said burgh of Abirdeyne, and that he remayne within the said burgh, hant the sermonis, use conference, and observe all the remanent injunctionis and commandimentis specifeit and contenit in the Act of his confyneing within the said burgh of Elgin [*ante*, vol. vii. p. 395–6], conforme to the tennour thairof in everie point, claus, heid, article, and circumstance of the same, within fyftene dayis nixt eftir the charge, under the pain of rebellioun."—Connect with Royal Letter of 15th November 1607.

The Marquis of Huntly's place of warding changed from Elgin to Aberdeen, that there may be better chance of his religious conversion.

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As the plague continues in Edinburgh, the sitting of the session is prorogated till 15th December next; of which proclamation is to be made at the market cross of Edinburgh.

Court of Session prorogued.

As Walter Scott, brother of William Scott of Burnefute, was committed to ward by Sir William Cranstoun in the tolbooth of Jedburgh, where he "wes layed in the yrnis," and was afterwards carried by him to the tolbooth of Edinburgh, where he now lies, for the alleged hurting of Johnne Steuart, son of dame Margaret Douglas, Countess of Bothuill, and as no complaint has been yet made against him to the Council, there is order to charge Cranstoun and Steuart to appear before the Lords to hear the bailies of Edinburgh decerned to put Scott to liberty.

Anent the imprisonment of Walter Scott for assault.

Charge to the sheriff-deputes of Lanark.

James Hammiltoun in Spittelsheillis having lately been apprehended for theft by Sir James Maxwell of Calderwode and Sir Claud Hammiltoun, sheriff deputes of Lanark, there is order to charge them to deliver him, within six hours after being required, to the Captain of the Guard, that he may be tried before the Justice in the tolbooth of Edinburgh. Acta 1607–8. Page 573.

Charge for mutual assurence between the Haitlies and the Ridpaths.

There being a "present grudge" between Thomas Reidpeth of that Ilk, Reidpeth, his eldest son, Johnne, Patrik, and James, his brothers, George Reidpeth of Crumrig, Reidpeth, his eldest son, Thomas Reidpeth of Aiketlaw, Robert Reidpeth, his brother, George Reidpeth in Rowinstoun, Roger and Andro Reidpethis there, George Reidpeth in Rushherrig, and William Reidpeth in Old Girinaw, on the one part, and Alexander Haitlie of Lambden and his brothers, Alexander Haitlie in Wardlaw and his brothers, Alexander Haitlie in Halyburtoun and his brothers, Robert Haitlie of Plewland and his brothers, on the other part, both parties are to be charged to assure one another till 1st November 1608, within six hours after being required, under pain of rebellion.

Decree against Mr James Johnstone for debt.

Complaint by Alexander Tailliour in Mungoiswellis, that Mr James Johnnestoun, portioner of Ballincreif, son of the late James Johnnestoun of Elphinstoun, remains unrelaxed from a horning of 12th March 1606 for not paying him 300 merks as principal and 60 merks for expenses.—Complainer appearing personally, the Captain of the Guard is to apprehend defender, and inventory his goods, for not appearing. Page 574.

Decree against David and Robert Farish for debt.

Complaint by James Taillifer of Strangcleuch, that David Phareis in Kers of Kendill, and Robert Phareis there, his brother, remain unrelaxed from a horning of 8th August last for not restoring to him 18 score sheep, or paying him 4 merks per head, with £20 for expenses of plea, and £5 paid by him to the collector of the Lords of Council and Session.—Complainer appearing personally, decree as above against defender, for not appearing.

Decree against Katherine Richardson for debt.

Complaint by Eufame Batie, widow in Edinburgh, that Katherene Richiesoun, relict and executrix of Alexander Warnok, miller in Reidhall, remains unrelaxed from a horning of 21st July last for not paying her 50 merks as principal and £10 for expenses.—Complainer appearing personally, decree as above against defender. Page 575.

Decree against the Captain of Crawford for debt.

Complaint by Mr Thomas Craig, advocate, that Johnne Carmichaell of Medoflatt remains unrelaxed from a horning of 7th May 1599 for not paying him £1272 as principal and 200 merks for expenses.—Complainer appearing personally, decree as above against defender. Page 576.

Decree against Turnbull of Bedrule for debt.

Complaint by Andro Kneland, writer in Edinburgh, that Walter Turnbull of Bedreule remains unrelaxed from a horning of 25th May last for not paying him the maills and duties of the sunny third part of the lands of Bedreull, with £10 for expenses of plea, and 50s. of collector silver.—Complainer appearing personally, decree as above against defender. Page 577.

Suspension of horning against William Henderson.

Complaint by Williame Hendirsoun in Innerdovat, that he has been put to the horn at the instance of James Elphingstoun of Innerdovat for not answering touching his coming to the said James while "recreating

Acta 1607–8. himself efter supper upoun the ground of his awne landis," and assaulting him with a drawn sword, and for wounding Robert Elphingstoun, his son natural, and his "poore ageit schiphird." As he was not lawfully charged, and as he had found caution in 200 merks to answer on 19th November, and as his escheat is disponed to Mr Robert Auchmowty, servitor to the Lord of Balmerinoch, the said horning should be suspended.—

Page 578. Pursuer appearing, but not defender, the Lords do suspend the said horning.

Decree against Mr James Ross and others for debt.

Complaint by Andro Bane in Findaill, that Mr James Ros, minister at Forteviot, Mr Robert Ros of Cragye, and Robert Stewart of Haltoun of Loncardie remain unrelaxed from hornings of 3rd September last, Mr James for not paying him 600 merks as principal and £50 for expenses, and the said Mr Robert as principal, and the other two as sureties, for not paying him 1000 merks as principal and £100 for expenses.—Complainer

Page 579. appearing by Archibald Douglas, macer, defenders, for not appearing, are to be apprehended by the Captain of the Guard, and their goods inventoried for the king's use.

Decree against Lord Somerville for debt.

Complaint by James Forrest in Cormestoun, that Gilbert, late Lord Somervile, remains unrelaxed from a horning of 15th June last for not warranting to him the annualrent of five bolls of meal and a boll of bear, extending in all to six bolls victual yearly, furth of the lands of Cormestoun, with £10 of expenses and 40s. of collector silver.—Complainer appearing personally, decree as above against defender for not appearing.

Decree against Andrew Robson for not relieving his cautioner.

Complaint by Johnne Haliburtoun of Mertoun, that Andro Robsoun of

Page 580. Glaswode remains unrelaxed from a horning of 5th instant for not relieving him at the hands of Juliane Home, spouse of James Pringle of Whytebank, of a debt of 800 merks, conform to a decree of date 20th July last.—Complainer appearing personally, decree as above against defender.

Decree against Patrick Halket for assault.

Complaint by David Kynnynmonth of Glennestoun, that Patrick Halkett in Lathennis remains unrelaxed from a horning of 15th October last for not answering for assaulting complainer with a drawn sword, and

Page 581. slaying the horse on which he was riding.—Complainer appearing personally, decree as above against defender for not appearing.

Decree against George Shaw for debt.

Complaint by Robert Shaw of Foulsheillis, that George Shaw of Glenmure yet remains unrelaxed from a horning of 12th August 1606 for not paying him 200 merks for principal and £20 of expenses.—Complainer appearing by Archibald Douglas, decree as above against defender.

Decree against Robert Paterson for debt.

Page 582. Complaint by Walter Williamesoun, merchant, burgess of Edinburgh, that Robert Patersoun, burgess and sometime bailie of Hadingtoun, remains unrelaxed from a horning of 11th April last, at the instance of complainer and the late Edward Mekiljohnne, merchant, burgess of Edinburgh, for not paying them £90, 10s. as principal and £20 for expenses. —Complainer appearing by Edward Mekiljohnne, decree as above against defender.

Decree against Wauchop and Home for debt.

Complaint by Robert Scott, burgess of Edinburgh, that Jonnett Wauchop, Lady Mersingtoun, and Robert Home, her spouse, remain

unrelaxed from a horning of 13th August last for not paying him, as assignee to Johnne Ker, burgess of Selkirk, 100 merks, with an annualrent of 10 merks for all years resting owing, and £10 for expenses.—Complainer appearing personally, decree as above against defenders. Acta 1607-8. Page 583.

Decree against James Turnbull and Thomas Ker for debt.

Complaint by George Scott in Castlesyd, that James Turnbull of Hassindanebank, as principal, and Thomas Ker of Kavers, as surety, remain unrelaxed from a horning of 1st July last for not paying him 500 merks as principal and £80 for expenses, and for not delivering to him four bolls oatmeal, four bolls bear, and two bolls "cheritit" wheat of the "mett and measour" of Jedburgh, with 40 merks for expenses.—Complainer appearing by Gilbert Watt, decree as above against defenders. Page 584.

The bailies of Lauder charged with the custody of an insane person on the petition of his family.

Complaint by Bessie Allane, spouse of Alexander Wilkiesoun, notary in Lauder, and by Frances, James, and Alexander Wilkiesonis, her sons, as follows:—"It hes pleasit God in his mercy to visite the said Alexander Wilkiesoun, spous to the said Bessie, with ane frenacie, whereby he is not onlie become unable to administrat and governe his awne affairis, bot with that his visitatioun and disease is so violent as he is evir of purpois to putt handis in himselff, and be fyre and uthirwayes to undo and distroy alsweill cornis as utheris thingis as comes to handis. And, albeit the saidis complenaris hes delt with the magistratis of the toun of Lauder, that thai wald appoint some personis to attend and await upoun the said Alexander Wilkiesoun upoun his awne expenssis, and to help him alswele fra putting handis in himselff as fra attempting ony uther violent or disperat deid, nevirtheless the saidis baillies will do nothing in that mater without expres command or warrand of the Lordis of Secreit Counsell."—Charge had been given to Williame Pringle and Charlis Murray, bailies of Lauder, to appear this day; and now, the said Bessie and the said bailies appearing, the Lords decern the bailies "to apprehend the said Alexander, and to committ him to suir keiping in thair tolbuith, and, as thai sall find the occasioun, to putt him in the irnis, and to appoint certane personis upoun his awne expenssis to attend upoun him during the tyme of his visitatioun and frennesie, whereby he may be restreanit fra attempting ony violent deid, outher aganis his awne persone or aganis utheris, as the saidis baillies will answer upoun thair obedyence." Page 585.

To denounce Andrew Smith for assault.

Complaint by Sir Johnne Melvill of Carnbie, that in August last Andro Smith, servitor to dame Margaret Hepburn, lady Pitfirrane, came early in the morning to the place of Carnbie, and, "persaveing the said complenair, who wes seiklie and diseaseit, to come furth of his place," with a drawn sword "gaif him three deidlie wounds."—Pursuer appearing by Alexander Melvill, defender, not appearing, is to be denounced rebel. Page 586.

Mr William Hogg and Mr John Hepburne, ministers, committed to ward for accepting moderatorships at the hands of the Synod held at Duns.

Mr David Home, moderator of the presbytery of Duns, and Johnne Clappertoun, moderator of the presbytery of Chirnesyde, having been unlawfully removed from the said charges by a number of the ministry convened at Duns, under colour of a Synod, on 13th October last, and Mr Williame Hoig, minister at Aytoun, having as unlawfully accepted the moderation of the former presbytery, and Mr Johnne Hepburne, parson

Acta 1607-8. Page 587.

of Cranshaw, that of the latter (*ante*, p. 5), charge had been given to the last two to answer this day under pain of rebellion. And now, both appearing, and being asked "wherfoir thay acceptit upoun thame the moderatioun of thir saidis presbiteryis, seing the formair moderatoris, who wer lauchfullie electit conforme to the Act of Lynlythqu, wer not ordourlie removed," their answer is, "that thair presbiteryis had layed that charge upoun thame, and that thay wer not the seikaris nor procurearis thairof thameselffis." Being further asked "yff thay wer content presentlie in presence of the Counsaill to dimitt and gif over the saidis officeis," their answer is "that thay could not dimitt the saidis officeis in presence of the Counsell, bot thay wer content to dimitt the same in presence of thair presbiteryis fra quhome thay ressavit the same." In respect of these answers, the Lords ordain the said ministers to be committed to ward in the castle of Blaknes, and deliver them to the Captain of the Guard to be transported thither.

Decree against Mr James Ross and George Moncreiff for debt.

Complaint by Thomas Narne of Mukkarsie, that Mr Robert Ros of Cragy, as principal, and Mr James Ros, minister at Forteviot, his brother, Robert Stewart of Haltoun of Loncardie, and George Moncreiff in Kirktoun Maler, as sureties for him, remain unrelaxed from a horning of 20th June last for not paying him 3000 merks as principal and 300 merks for expenses.—Charge had been given to the said Mr James Ros and George Moncreif to answer; and now, pursuer appearing by Patrik Hammiltoun, defenders, for not appearing, are to be apprehended by the Captain of the Guard, and their goods inventoried for the King's use.

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Suspension of horning against Maxwell of Cowhill.

Complaint by Williame Maxwell of Cowhill, that he is charged by Alexander Stewart, son of Alexander, Lord Stewart of Garleis, and by the said Lord, to find caution in 500 merks, under pain of rebellion, not to reset or intercommune with Homer Maxwell of Carnsallauch, Thomas Kirkpatrick of Glendaneholme, Williame Kirkpatrik, apparent of Kirkmichaell, Eduard, Thomas, Johnne, and Gilbert Wallaceis, and Reid Sandie Wallace in Torreyeild, Johnne Wallace in Dunkow, Andro and Agnes Irlandis, Robert and Williame Frissellis, Williame Maxwell in Kilbayne, Johnne Charterhouse in Reddanewod, James Maxwell in Dunkow, Johnne there, Homer Irland there, Gilbert and Johnne Wilsonis in Halthrone, Homer Lowrie and Johnne Wilsoun in the Brigend, Eleis Harper, Johnne Wilsoun called Good Dame's Jok, Johnne Wilsoun in Nuke, James Locarbie, James Aitkin, Adam Wallace, Florence Abeck, Nicol and Johnne Wilsonis, Johnne Adie, webster, Robert and Johnne Wilsonis in Tounheid, Thomas Bek *alias* Laird, Homer Yrland, David Thomesoun in Quarrellwode, Nicol Thomesoun, Johnne Thomesoun of Know, Andro and Hector Thomesonis, Robert Robsoun in Touneheid, Johnne, Thomas, and Alexander Robsonis there, Johnne Robsoun, Johnne Hunter, Johnne Wallace, Robert Nicolsoun, Roger Robsoun, Katherene Locarbie, Robert Newlandis of that Ilk, and Alexander Fergussoun of the Yle, who are all lying at the horn for not paying the said Alexander

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Stewart and his father certain sums of money for the duties of the teinds of the lands possessed by them. Now, the said persons being at the horn for a civil cause only, and not for a "ryott, violence, or criminall fact," the complainer ought not to be debarred from intercommuning with them. Further, the said rebels being feuars, at least kindly tenants, of his Majesty's proper lands of , the complainer, as their bailie, is bound to administer justice to them in the courts of the said lands. Again, as chamberlain depute for uplifting from them his Majesty's maills and duties of the said lands, he must necessarily intercommune with them. Lastly, many of them are tenants of his lands of Cowhill, and pay him for the same a certain duty, "with arreage, carriage, and uther personall service." Nevertheless, he has found caution conform to the said charge, and therefore the horning against him should be suspended.—Pursuer appearing by Adam Cunynghame, but defenders not appearing, the Lords do suspend the said horning. Acta 1607 8. Page 590.

Decree against certain horners for non-payment of taxes.

Complaint by Sir James Hay of Kingas, collector of the taxation granted in July 1606, that the following persons remain unrelaxed from hornings for non-payment of their parts of the first term's instalment of the said taxation:—viz. Alexander Kilpatrik of Kirkmichaell, £13, 15s. 6d. for the parsonage of Kirkmichael; Sir James Johnstoun of that Ilk, £18, 6s. 10d. for the parsonage of Lochmaben, £13, 15s. 7d. for the parsonage of Kirkpatrik-juxta, and £34, 8s. 10d. for the parsonage of Moffett; Umphra Jardane, parson of Apilgirth, £18s. 8s. 10d. for the said parsonage; Laurence Gordoun, abbot of Glenluce, £229, 12s. 6d. for the said abbey; Niniane Adair of Kinhilt, £92, 4s. for the abbey of Saulsett; Sir David Murray, £13, 15s. 10d. for the vicarage of Aneth.—Complainer appearing by Archibald Prymrois, defenders, not appearing, are to be apprehended by the Captain of the Guard, and their goods inventoried for the King's use. Page 591.

Decree against certain other horners for non-payment of taxes.

Complaint by the Duke of Lennox and the Earl of Mar, collectors of the taxation of 100,000 merks granted in February 1601, and by the Earl of Lotheane, collector of the taxation of 200,000 merks granted in December 1597, that the following persons remain unrelaxed from hornings for not paying their shares:—viz. Mr Robert Montgomerie, minister at Stewartoun, £55, 2s. 2d. for the archdeaconry of Ergyll in the two taxations; Alexander Kirkpatrik of Kirkmichaell, £90 for his lands of Kirkmichaell, and £41, 6s. 8d. for the parsonage of Kirkmichaell, in the two taxations; Sir Thomas Kirkpatrick of Closburne, £262 for his lands of Closburne, Brigburgh, Eleisland, Robertmure, Affleck, and Sindrum, in the two taxations, and £50 for the teind sheaves of the kirk of Closburne in the first taxation; Sir David Murray, £41, 6s. 8d. for the vicarage of Anneth in the two taxations; Mungo Johnnestoun of Locarbie, £157, 10s. in the two taxations.—Complainers appearing by Archibald Prymrois, decree as above against defenders for not appearing. Page 592.

The abbot of Cupar against James Naismith and

Complaint by Patrik, Commendator of Couper, and Sir Thomas Hammiltoun of Bynnie, for his Majesty's interest, as follows:—The said

Acta 1607–8. Patrik, having been lawfully provided to the abbacy of Couper, and possessed therein by the sheriff of Angus and the bailie of the regality of Couper on 3rd November last, had continued in peaceable possession of the same till instant, when James Stewart, father brother of James, Earl of Athoill, accompanied by James Nasmyth of Inver, Robert Nasmyth, Donald M^cIneter, Robert Reid in Hauch of Tullimett, James M^cGilliquhallane in Balnagaird, Patrik Barroun there, Robert Barroun, his father, there, Johnne Reid there, Johnne M^cIndowy, Robert M^cNachtane there, Johnne Clerk, son of Robert Clerk in Tullimet, David Flemyng in Craigfrione, Malcome M^cInateir in Auchinaba, Patrik Reid there, Donald Og M^cEanteir in Blaris, Thomas M^cIndow in Convalick, Robert Mollach in Tullimett, James Fergussone in Inche of Logyrait, George Stewart, brother of the Laird of Balleachin, James and Robert Naismythis, sons of James Nasmyth of Inver, Patrik Robertsoun and Johnne M^cLauchlane, his servitors, with others, all armed with jacks, steelbonnets, platesleeves, and other weapons, and with hagbuts and pistolets, came to the said abbey, forcibly broke up the doors of the place, removed the Commendator and his family, and intromitted with his whole goods therein. They have "streikit thair pleughis in his yairdis and orcheardis within the precinct," and still hold the said abbey as a house of war.—Charge had been given to the said defenders to answer; and now, pursuers appearing personally, and passing from the pursuit of the said George Stewart, who is also present, and declaring that they will use him as a witness, and James Nasmyth of Inver, and Robert Nasmyth, his son, also appearing, but none of the other defenders, the Lords find (1) that James Nasmyth, younger, second son of the said Laird of Inver, and Patrik Robertsoun, servant to the said Laird, came as libelled with the said James Stewart to the place of Couper, accompanied by a number of "hieland men haveing a bagpype afoir thame," and surprised the abbey place; (2) that said James Naismyth, elder, and his wife dwell in a house of the abbey formerly occupied by the said Commendator; (3) that the said James's servant threshes his corns within the hall of the abbey; (4) that the said highlanders are supplied with meat and drink by the said James Nasmyth, elder, and his said servant; (5) that the said James's servant "streikit his plewis in the orcheard and yaird of the abbay, and teillit the same." They therefore ordain the said James to be committed to ward in the tolbooth of Edinburgh. The non-appearing defenders are to be denounced rebels; and there is also order to charge all the defenders to deliver the said abbey to the Commendator.

others for surprising the abbey, and violently retaining it.

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Page 597. *Sederunt*—Chancellor; President; Uchiltrie; Comptroller; Haliruidhous; Advocate; Whittinghame; Collector; Sir Lues Craig; Sir Alexander Drummond; Sir Johnne Arnott. Edinburgh, 27th November.

Page 598. With consent of David, Lord of Scone, Comptroller, the Lords ordain the tacksmen of the customs to pay to Sir Williame Cranstoun, Captain of the Wages of the garrison of the late Borders.

Garrison over the late Borders, the wages due to him and his company for September and October last, and November instant, and to pay them their wages monthly in time coming. The tacksmen are also to pay his Majesty's other Guard their wages bygone and future; they are to prefer the companies of the Garrison and Guard to all other creditors; and they are to pay to Sir Williame Seatoun, Sir Williame Cranstoun, Sir Johnne Charterhous, and Sir Jedeone Murray, their fee of £800 by equal portions at Whitsunday and Martinmas. Acta 1607-8.

Fees of the commissioners of the same.

Edinburgh, 3rd December.

Sederunt—Lennox; Chancellor; Wyntoun; Bishop of Sanctandrois; Bishop of Glasgow; President; Halyruidhouse; Master of Lowthiane; Quittinghame; Kilsyth; Advocate; Collector; Mr Lues Craig; Sir James Hay; Sir Alexander Hay; Sir Alexander Drummond; Sir Johne Arnot.

Earl of Morton and Lord Maxwell.

Sir Archibald Dowglas of Quhittinghame appears as procurator for William, Earl of Mortoun, and declares that the said Earl is content to submit to friendly arbitration "all materis of blood" between him and Lord Maxwell, reserving his civil actions, and providing that the said Lord takes the burden in his submission for his brothers.

Relaxation of the punishment of Mr William Cranston, minister.

"Forsamekle as, upoun reporte maid to the Kingis Majestie of the disordourlie and insolent cariage of Mr William Cranstoun, minister, at the lait Synode of Fyff, keepit at Dysert, his Majestie gaif speciall command to caus the said Mr William be denuncit rebell and put to the horne, and als apprehendit and committit to waird; and now, since being put in hoip that the said Mr William, being sory and penitent for his former oversichtis, will conforme himself in all dewtie to that quhilk is moist convenient for the peace of the Churche and for the furtherance of his Majesteis service: his Majestie is thairfoir moved to relent from the geving of forder directioun for his committing to strait waird, but onlie to confyne him within his awne paroch. Lyke as it is his Majesteis will and pleasour that he be relaxed fra the proces of horne used aganis him on the mater foirsaid, that so it may cleirlie kyth that, as his Majestie is willing to schew mercy unto thame that will acknawlege thair oversichtis and will promeis to amend, so his Majestie will mak these turbulent and unquiet spiritis boeth in the Kirk and State feill the wecht of his Majesteis indignation and wrath. Thairfoir the Lordis of Secrite Counsale ordanis letters to be direct to officeris of armes, chairgeing thame to pas and relais the said Mr William Cranstoun fra the proces of horne led aganis him in the mater foirsaid, ressave him to peace, and gif him the wand thairof simpliciter in tyme cuming: as alsua to chairge the said Mr William to conteyne himself within the boundis of his awne paroche, and not to transcend the boundis thairof quhill his Majesteis forder will and pleasour be knawn, as he will answer upoun his obedyence at his heichest chairge and perrell."

Andrew White against William Crichton for wrongous imprisonment.

Complaint by Andro Quhyte, servitor to David Lindsay, keeper of the ward tolbooth of Edinburgh, that in August last, when he was in the burgh of Sanquhair, Williame Creichtoun of Ryhill, with many others,

ta 1607-8. "upoun verie malice" waylaid him, took him captive, and warded him in the castle of Sanquhair, compelling him, for fear of his life, to find William Creichtoun in Hill surety in 300 merks for his entry in the said ge 600. ward when required.—Complainer appearing, but not defender, the Lords decern the said act of caution to be null.

Complaint by Mr James Strauchane, son of James Strauchane, notary, burgess of Dundie, that Johnne Andirsoun in Burnesyde remains unrelaxed from a horning of 20th June last for not paying him 280 merks.—Complainer appearing personally, defender, for not appearing, is to be apprege 601. hended by the Captain of the Guard, and his goods inventoried for the King's use. Decree against John Anderson for debt.

Sederunt—Chancellor; Bishop of Saint Androis; Bishop of Glasgow; Bishop of Brechin; Bishop of the Isles; Uchiltrie; Quhittinghame; Sir Loues Craig; Mr Alexander Hay of Foistersait. Edinburgh, 5th December.

Johnne, Lord Maxwell, and Robert Maxwell of Dynwiddie, having been committed to ward in the Castle of Edinburgh for certain offences (*ante*, p. 2), and the "caus of thair wairding nawyse being capitall," and the said Lord having promised not to escape, less heed had been given to their strait keeping than was merited by their "pervers and wicked inclinatioun," the rather because "it could not be imagined that foolishlie they would have involved thameselffis in the danger of heich treasoun for a mater quhilk nawyse tuichit thame in lyff nor heritage." Yet, upon 4th instant at night, they "maist treasonablie" attacked the porters and warder of the said castle, who were attending upon them, wounded several of them, and at last, by the assistance of their servants (who had frequent access to them), and of some other malefactors warded in the said castle, "brak waird and laip the castell wall and hes eschaiped." There is therefore order to charge them, by open ge 602. proclamation at the market crosses of Edinburgh and Dumfries, to answer on 17th instant, under pain of rebellion.[1] Anent the escape of Lord Maxwell and Maxwell of Dinwiddie from Edinburgh Castle.

Sederunt—Chancellor; Bishop of St Androis; Bishop of Brechin; Quhittinghame; Collector; Foistersait. Edinburgh, 7th December.

William, Earl of Mortoun, appearing, and being asked if he will keep his The Earl of Morton and Lord Maxwell

[1] This escape of Lord Maxwell and his retainer from Edinburgh Castle made a great stir at the time. From accounts of it in Calderwood and elsewhere, it appears that it was plotted between Lord Maxwell and another prisoner of notoriety then in the castle,—the highland Sir James Mackoneil or Macdonald. Under pretence of giving an entertainment to the warders of the prison in Maxwell's chamber, and acting some sort of play before them, they made "them all fou," obtained possession of their keys, and so broke out, overpowering other keepers at the gate, and escaping by the castle wall to the suburb of the West Port. Mackoneil, having irons on his legs, had sprained his ancle in leaping, and was recaptured on a dung-hill, "casting the mucke upon himself"; but the other two got clear off.

promise not to receive any challenge from Lord Maxwell or send any challenge to him, declares that he will keep that promise in every point. Acta 1607-8.

Edinburgh, 10th December.

Sederunt—Chancellor; Bishop of St Androis; Wyntoun; Torphechin; Master of Loutheane; Collector; Kilsyth; Myrcairnie; Mr Petir Rollok; Sir Lues Craig; Sir Alexander Drummond; Mr Alexander Hay; Sir Johnne Arnot.

Decree against Nicol Blair for debt.

Complaint by Patrick, Earl of Kinghorne, that Nicoll Blair, merchant, burgess of Perth, and executor to his late brother, Robert Blair, remains unrelaxed from a horning of 2nd October last for not paying the said Earl his part of certain sums specified in the letters of horning.—Complainer appearing by Archibald Dowglas, macer, defender, not appearing, is to be apprehended by the Captain of the Guard, and his goods inventoried for the King's use. Page 603.

Decree against the Laird of Chisholm and the Abbot of Cambuskenneth for debt.

Complaint by George, Earl of Dumbar, treasurer, and Archibald Prymrois, clerk of the taxations, that Waltir Cheisholme of that Ilk, and Adam, Commendator of Cambuskynneth, as principals, and Johnne Erskin of Balgony, as surety, remain unrelaxed from hornings of 5th and 27th October last,—Cheisholme for not paying to the Treasurer the sums due to Alexander Young, messenger, conform to his obligation of 30th October 1602, and the Commendator for not paying to the said Archibald £654 as principal and £100 for expenses.—Prymrois appearing for the complaint, there is decree as above against the defenders for not appearing. Page 604. Page 605.

Decree against John Craig for debt.

Action by George Achesoun, portioner of Prestoun, against Johnne Craig in Prestoun, for remaining since 22nd July last at the horn to which he had been put for not relieving pursuer at the hands of Elizabeth Seytoun, sister of George Seytoun of Carrelstoun, of the payment of 710 merks, which he had been compelled to pay to her as cautioner for Craig, together with £4 for expenses.—Pursuer appearing personally, defender, not appearing, is to be apprehended by the Captain of the Guard. Page 606.

Decree against Thomas Salton for debt.

Complaint by James Wallace, merchant, burgess of Edinburgh, that Thomas Saltoun, baker, burgess of Linlithqu, remains unrelaxed from a horning of 3rd February for not paying pursuer £115 as principal and £20 for expenses.—Complainer appearing by Archie Bald, messenger, decree as above against defender.

David Hunter *v.* David Ochterlony.

Action by David Hunter, burgess of Dundee, against David Auchtirlony, bailie, who, on 22nd August last [no more recorded].

Suspension of horning against Patrick Halket.

Complaint by Patrik Halkett, brother of Sir Robert Halkett of Pitfirrane, that he has been put to the horn by David Kynnynmonth of Glennestoun for not answering touching his alleged assault of the said David and slaughter of his horse. As he was not lawfully charged, as he is innocent, and as he had found caution in £1000 to appear this day, the horning should be suspended.—Both parties appearing, the Lords do suspend the horning, and remit the complaint to the judge ordinary. Page 607. Page 608.

Patrick Halket committed

Complaint by the same Patrik Halkett as follows:—He has been

Acta 1607–8. denounced rebel at the instance of Sir Thomas Hammiltoun of Bynnie, for his Majesty's interest, and of Andro Wardlaw of Torrie, for alleged bearing of pistolets, and hurting Robert Ladoch, servitor to the Laird of Torrie. Now, he had come to Edinburgh the day appointed for his trial, and had waited at the Council-house door all the time the Lords sat; but, as he had not been called that day and believed that all diets before the Council were peremptory, he had gone home. Next Council day, however, the case had been called, and he had been put to the horn for not appearing. As he found caution in £1000 to answer this day, the horning against him should be suspended.—Both parties appearing, and the Page 609. Laird of Torrie producing the letters of horning against Halkett for not entering in ward in Edinburgh Castle, the Lords ordain Halkett to enter in ward accordingly, and deliver him to the Guard to be conveyed to the said castle. to ward on another charge.

David, Lord of Scone, comptroller, on the one part, and Mr Jerome Lyndsay of Dynnynno, and Archibald Prymrois, writer, for themselves and the other tacksmen of the customs, on the other part, appear before the Council for settling the question "anent the defeasance craved be the saidis takkismen" for the custom of goods passing between the two kingdoms. The said Comptroller having stated that his Majesty, by his letter dated 18th October last, allowed to the tacksmen a deduction of £10,000 yearly for not seeking "ony commoditie of Englishe goodis" (vol. vii. p. 529, and *ante*, p. 8), the tacksmen, while accepting these terms, crave that, in regard they had paid to the Comptroller the whole sum of 95,000 merks, being the full yearly duty contained in their tack, for the year 1606, the said sum of £10,000 paid by them in 1606, shall be allowed Page 610. to them as part of the duty owing by them for the year 1608. "Whereunto the said Comptroller nawayes aggreit," alleging that the necessity of his Majesty's service would not permit £20,000 to be deducted in one year, but intimating his willingness that the said £10,000 should be deducted to them in the three years of their tack to run, in each year 5000 merks. The tacksmen agreeing to this, the Lords declare that there shall be deducted yearly to them for the next three years 20,000 merks, viz. £10,000 of yearly deduction and 5000 merks on account of the £10,000 paid by them in 1606, and find that they are obliged to pay henceforth only £50,000 as the full yearly duty for the custom of the wines. In the matter of the allowance to the tacksmen of the customs for not exacting dues for goods passing between England and Scotland.

Johnne, Lord Maxwell, having been put to the horn for not paying to the collectors of taxations the following sums,—viz. £4421 for the taxation of Annanderdaill, Eskdaill, Ewisdaill, and Wauchopdaill, in the taxation of 200,000 merks granted in December 1597; £2210, 10s. for the same lands in the taxation of 100,000 merks granted in February 1601; £2210, 10s. for the said lands, £1113 for a part of the stewartry of Kirkcudbrycht, £20 for the lands of Duncow, and £103, 6s. 8d. for the lands of Keltoun, Buttill, Traif, and Traifgrange, for the first term of the taxation granted in July 1606,—and the said Lord having, for this and Page 611. other causes, been committed to ward, and having broken his ward and Warrant to the Captain of the Guard to apprehend Lord Maxwell.

escaped (*ante*, p. 17), there is warrant to the Captain of the Guard to apprehend him, and to inventory his goods for his Majesty's use. Acta 1607–8.

Protest by Mr John Hepburne and Mr William Hogg, ministers.

Mr Johnne Hepburne, minister, appearing and producing an Act of the presbytery of Duns, under the subscription of Leonard Houstoun, clerk thereof, setting forth that on 1st instant he had appeared before the said presbytery and demitted his office of moderator, and that the presbytery "acceptit the demissioun in goode pairt," and Mr Williame Hoig, minister, also appearing and producing an Act of the presbytery of Chirnesyde, purporting that upon 3rd instant he had appeared before that presbytery and demitted his office of moderator, and that the presbytery had accepted his demission, and both ministers therefore protesting that they have satisfied the caution found by them for demission of their said offices, the Lords admit the protest.

The Session ordained to resume its sittings, the plague having abated.

The magistrates of Edinburgh having reported that it "hes pleasit God of his mercy to stay the course and rage of the infectioun of the pest," and that this burgh "is now, prased be God, in a good estate," the Session is ordained to "sitt doun" upon 15th instant. Proclamation hereof to be made at the market cross of Edinburgh.

Decree against James Lillico and others for debt.

Complaint by Nicolas Halden in Kelso, that James Lillico in Bedreule- Page 612.
mains, Adam Lamb there, and Johnne Mader there, as principals, and Walter Turnbull of Bedreule, as surety, remain unrelaxed from a horning of 21st April last for not paying him £420 as principal and 60 merks for expenses.—Complainer appearing personally, defenders, for not appearing, are to be apprehended by the Captain of the Guard, and their goods inventoried for the King's use.

Royal Letter ordering proclamation against resetting Lord Maxwell, now a fugitive and traitor, and offering a reward for his apprehension.

"Quhairas thair be none of that oure kingdome ignorant of the pane enjoyned to the brekaris and eschaiparis out of our castellis, prisonis, and jayllis, so this late violent eschaip of the Lord Maxwell, haveing justlie offendit us, is so muche the les excusable in him in sa fer as the caus of his committing or ony challange whiche wer to be layed againis him wes nawayes capitall, nather wes his persone, landis, nor goodis in ony danger, bot he only detenit upoun some speciall considerationis for the better assureing of oure peace, so that this his brek of warde can not be ascryved to ony feare or dread (whiche, how so evir it mycht be as a motive for mercy in us toward him, yitt is of itselff altogidder inexcusable), bot only to a wantounes, conjoyned with a disdayne and contempt of us and our authoritie; who, not contenting himselff to haif eschaiped allane, wald thairwith also be the relief of Sir James M^cConneill, one who wes kept in close prisone within the said castell for most notable villannyis; as also thay togidder in most forcible manner invadit the portaris of the said castell, haveing persewed thame of thair lyveis and left the portair soir wounded, whenas both he and all utheris the keiparis of the said castell were in a securitye, nocht fearing ony suche intentioun of the said Lord Page 613.
Maxwell for brek of warde, by resoun of his promeis past to the Erll of Mar, capitane of oure said castell, not to prease to eschaip ony way oute of the same; wherupoun he wes granted to haif so muche the moir libertie

Acta 1607-8. in walking abroade within it: In regaird whereof, and that our mercy extendit towardis him for the very lyke offence befoirtyme hes produceit no bettir fruite, bot that he, in hoip of the lyke impunitie, hath maid no accompt to offend of new, thairfoir our will and pleasour is, and we command you heirby, that publicatioun heirof be maid at the mercat croceis of Edinburgh, Drumfreis, Annand, and all utheris placeis neidfull, certifeing all oure goode and loving subjectis of the said treasounable fact committed by the said Lord Maxwell in breking and eschaiping oute of oure said castell of Edinburgh, invading, persewing, and hurteing ane of the portaris thairof, and endevoiring to releve oute of the same the said Sir James M°Coneill, a most notorious and wicked villayne, and thairupoun expreslie to prohibite and forbid thame, under suche panes as by oure lawis ar appointit, to ressett, supplee, or intercommoun with the said Lord Maxwell, now our fugitive tratour and rebell; assureing thame that, yff ony sall contravene the command heirof, these panes and punishementis dew by law sal be inflicted upoun thame with all rigour and extremitie. And, howsoevir the bipast tyme befoir this happy conjunctioun of the kingdomes in our persone wald haif yeildit some slight pretens of excuse for ressett of ony of his qualitie duelland upoun the bordouris of oure kingdome, yitt now we wald be sory that ony of oure subjectis sould so far dissave thameselffis as to expect that ony regaird wil be had to ony suche frivolous excuse, since the lait justice done at our command these two yearis bipast in those middle shyris, whiche wer the Bordouris of that our kingdome heirtofoir, may justlie move those that ar oure weill affected subjectis without feare of ony man to behave thameselffs deutifullie, and may foirwarne otheris who hes not as yitt cast af thair auld skinne to bewar of offending in hoip to obteyne mercy upoun so waik a ground. And, for the better encouraging of all suche as will kyith thair love and affectioun to oure service, and will endevoir to tak and apprehend the said Lord Maxwell, oure fugitive and traitour foirsaid, we do heirby promeis unto ony suche pairty who salbe the meanes or sall procure his apprehensioun a full pardoun and remissioun of whatsomevir offens the said pairty hes committed (treasoun alwayes aganis us and our esteat excepted) togidder with the soume of three thousand merkis Scottis money for his rewarde for doing thairof. And, yff ony suche other of oure subjectis who hath no caus to sute ony pardoun sal be the meanes or procure his taking, we do then promeis to ony suche pairtye the soume of ten thousand merkis money foirsaid. And ordanis this our proclamatioun to be publist and extendit in ampill forme. Given at oure Courte at Roystoun the xiiii day of December 1607."

Page 614. *Sederunt*—Chancellor; Mar; Bishop of Saint Androis; Haliruidhouse; Master of Lotheane; Quhittinghame; Justice Clerk; Privy Seal; Tungland; Murdocarny; Mr Peter Rollok; Fostersait; Sir Lues Craig; Sir Johnne Arnot. Edinburgh, 17th December.

Order for digging out of the silver mine lately discovered by the Lord Advocate a certain quantity of ore to be transported by sea to London for the better assay thereof: copies of Royal Letters anent the business; and intimation of the Lord Advocate's consent.

"The quhilk day in presence of the Lordis of Secreit Counsall compeirit Acta 1607-8.
personalie Sir Bewis Bilmure, knicht, Johnne and James Achesonis, and Edmond Doubledae, esquyer, and presented unto the saidis Lordis the missive letter undirwritten, signed by the Kingis Majestie and direct unto the saidis Lordis, whereof the tennour followis:—JAMES R. Right trusty and weilbelovit cosingis and counsallouris, we greit you hairtlie weill: Whereas we haif thought meit to direct thither Sir Bewis Bilmure, knight, Doubledae, Broade, whome, with Johnne Achiesoun, James Achiesoun, and George Cunnynghame, goldsmithis, we haif appointed to go to that silver myne laitlie discoverit by oure Advocat, thair to digg and tak furth suche a quantitie of the ures and mettallis of the same as thay ar willed to do by oure uther warrand directit unto thame for that effect: we ar thairfoir to will and desyre you, upoun the repair of these personis, to direct Sir Johnne Arnott, knyght, thesaurair-depute of that oure kingdome, with Thomas Achiesoun, maister of oure cunyeehous thair, to go with these otheris unto the said myne and thair to assist thame in the doing of all and whatsoevir is directit unto thame by oure other warrand, and thairwith that yee yourselffs do see the same in every poynt obeyit: And so we bid you fairwele. Frome oure Courte at Newmarkett the 25th of November 1607.—As alsua presented unto the saidis Lordis the warrand and directioun undirwrittin, lykewayes signed by the Kingis Majestie, whereby commandiment wes gevin to thame and to the otheris personis thairin contenit to repair to the said silver myne, and to digg and tak furth thairof ane certane quantitie of all the sortis of ure and mettallis within the said myne to the effect specifeit and contenit in the said warrand; off the quhilk warrand, the principall whereof being redelyverit to the said Bewyis in presence of the saidis Lordis, lykewayes the tennour followis:—JAMES R. Quhairas that quantitie of the ures and mettallis of the lait discoverit silver myne within our kingdome of Scotland whiche wer imbarkit thair, to haif beene transportit hither for the taking of the better assay and tryall thairof, is, with the schip wherein it wes caryed and hole laidning of the same, perished and sunk in the sea: to the effect thairfoir that we may be fullie certifyed of the trew value and esteat of that myne, oure pleasour and will is, and we do hereby command you, that all of you togidder sall repair to the pairtis of Scotland, and thair to addresse yourselff to oure Thesaurair-depute of that oure kingdome, who is to accompany you unto the said myne, wher at your comeing yee sall caus be digged oute and takin furth indifferentlie of all the sortis of ures and mettallis within the Page 615.
said myne, als weill of the best as worst sorte thairof, the quantitie of ten tun; whiche haveing collectit and inclosed in goode hogsheddis, barrellis, and utheris veshells, yee shall then seale all and every one of thame with your seallis, and, upoun inventar of the nomber, weyght, and quantitie, yee sall caus thame be delyverit to our said Thesaurair-deputye thair, who by our other warrand is commandit to tak ordour for the saulff transporte of the same by sea hither. Anent the doing of all the whiche premissis

ota 1607-8. these presentis salbe unto you sufficient warrand. Gevin at our Court of Newmarkett the 25th of November 1607. To our trusty and weil-belovit Sir Bewys Bilmure, knyght, Edmond Doubledae, esquyer, Johnne Achiesoun, James Achiesoun, George Cunynghame, and Johnne Broade, gentlemen.—Quhilk missive letter and warrand foirsaid being red, hard, and considderit be the saidis Lordis, and thay finding it a mater of a very dangerous preparative and example to gif thair directioun and allowance for digging or taking of ony ure furth of the said myne without the consent of the heritable proprietair and awnair of the same, who hes not beene hard, cited, nor summond to that effect,—for cleiring of whiche doubt Sir Johnne Arnot, thesaurair-depute, produceit befoir the saidis Lordis ane missive letter directit unto him frome Sir Thomas Hammiltoun of Bynnie, knight, his Majesties Advocat, and heritabell proprietair of the said myne, and writtin every worde with his awne hand, proporting and beiring that he wes content and willing that his Majesteis saidis Commissionaris sould be satisfeit and ansuerit at the saidis mynes in all thingis gevin to thame in commissioun from his Majestie, as the said missive beiris: whilk missive being lykewayes red in the saidis Lordis audience, and considderit be thame, and thay being weill advysit thairwith, the Lordis of Secreit Counsell, in respect of the consent of the said Lord Advocat, testifeit be his said missive writtin with his awne hand and directit unto the said Sir Johnne, ordanis and commandis the said Sir Johnne Arnott, thesaurair-depute, and Thomas Achiesoun, maister of the cunyeehouse, to go with the saidis Commissionaris to the said myne, and to assist thame in doing of all and whatsomevir thingis directit unto thame by his Majesties said warrand. Wheranent thir presentis salbe thair warrand."[1]

As Johnne, Earl of Mar, for himself and for the M^c^Farlanis, on the one part, and Alexander Colhoun of Lus, on the other part, appearing before the Council in June last, had then declared thair willingness to subscribe a new submission of their feud, and had nominated certain persons as arbiters, with the provision that, if the said arbiters did not pronounce their decree arbitral by 1st January next, then the decision should lie with the Lords of Council, and as, although the time appointed "verie shortlie approcheis," nothing has been done in the matter by any of the parties, there is order to charge both parties to appear on , prepared to subscribe a new form of submission, under pain of rebellion.

Charge for a new submission of the feud between the Earl of Mar and Colquhoun of Luss.

Page 616.

Complaint by Johnne Gilchrist in Leith, that Hary Stewart, Lord of Saint Colme, remains unrelaxed from a horning of 12th August for not

Decree against the Abbot of St Colme for debt.

[1] The silver mine which is the subject of this Act was on Sir Thomas Hamilton's property at Hilderstone in Linlithgowshire, not far from Edinburgh. According to Mr Robert Chambers, in his *Domestic Annals of Scotland* (i. 411), a collier, named Sandy Maund, had, some years before our present date, in his walks about the burn sides in that part of the country, "chanced to pick up a stone containing veins of a clear metal, which proved to be silver." By advice of a gentleman of Linlithgow, he had taken it to Sir Bevis Bulmer, then engaged in gold-seeking thereabouts (see vol. vii. by Index); and the consequence of farther search on the Hilderstone property had been that the Lord Advocate imagined himself, and was reputed to be, the lucky possessor of a silver mine of inestimable value.

paying him £280 as principal and £50 for expenses.—Complainer appearing personally, defender, not appearing, is to be apprehended by the Captain of the Guard, and his goods inventoried for the King's use. Acta 1607–8. Page 617.

Thomas Inglis against the tacksmen of the customs in the matter of duty on wines.

Complaint by Thomas Inglis, merchant, burgess of Edinburgh, as follows:—In respect of the difference between the "bind of Burdeaulx and heich cuntrey wynis," the importers of the latter have always received deduction of "every fyft tun in the payment of thair impoist," and the "lyke consideratioun aucht to be had in the impoist of all uther soirt of wynis of the lyke difference of bind." But "the takkismen of the customes burdynnis the said complenair with the haill impoist of certane canarie wynis broght hame be thame within this kingdom, craving als mekle for the canarie as for wyne seck, albeit it be of treuth that the pype of canarie is sevin gallonis les nor the pype of seck, and thairfoir the lyke consideratioun proportionallie aucht to be had in the impoist of thir wynis as is had in the impoist of the cuntrey and tun wyne of France, especialie becaus the canarie wyne is not so goode as the seck, and thair is far greatair basaird, chargeis, and expenssis in bringing hame of the canarie wyne nor of the seck."—Charge had been given to Niniane M^cMorane, James Nesbitt, Isaak Morisoun, and James Arnot, tacksmen of the customs, to answer; and now, the pursuer, and James Nesbitt, Niniane M^cMorane, and Mr Robert Lindsay, tacksmen, appearing, and the said tacksmen having declared that they would not dispute this matter without the presence of the Comptroller and Advocate, the Lords continue the matter till the return of the said officers to this kingdom, and ordain the tacksmen to supersede the payment of the impost till this question be decided. Page 618.

To denounce Lord Maxwell and Robert Maxwell.

Johnne, Lord Maxwell, and Robert Maxwell of Dynwiddie, failing to appear this day as charged to answer for their treason of 4th December last (*ante*, p. 17), are to be denounced rebels. Page 619.

Continuation of action at the instance of Lady Strathdown against the Marquis of Huntly.

Continuation to 7th January next of the summons raised by Sir Thomas Hammiltoun, for his Majesty's interest, and Dame Agnes Sinclair, Lady Strathdowne, against George, Marquis of Huntley, Alexander Gordoun, younger, apparent of Strathdowne, and George Hay, sons of the said Lady, with Alexander Dow and James Hay, charging them to appear and enter Alexander Gordoun of Strathdowne, spouse of the said Lady, who had been violently taken by the said persons at the command of the Marquis; and continuation also of the summons raised by the said Lady and her spouse against the Marquis, James Hay, and Alexander Dow, charging them to answer for coming to the place of Achirey, breaking up the doors and spuilying certain jewels and other goods. The said Lady, and Mr Thomas Hendersoun, commissary, procurator for the Lord Advocate, being both present, and defenders appearing by Mr Thomas Mawer, all are warned of this continuation. Page 620.

Suspension of horning against John Gairdner and others.

Complaint by Johnne Gairdner in Balgony, Walter Heriot in Balgonymill, Richard Robertsoun, Andro Walker, George Philp in Cauldcottis, James Dalrumpill in Schaithtoun, and Andro Gairdner in the West-mill

Acta 1607–8. of Levin, all Robert Lundy of Balgony's men, that Sir Johnne Weymis of that Ilk, alleging himself to be heritable bailie of the water of Levin, has charged complainers to find caution, each in 300 merks, under pain of horning, not to slay any red fish, smolts, or fry on the said water in forbidden time. Their said master having, in September last, found caution for himself, his tenants and servants, to the effect foresaid, under pain of
Page 621 500 merks, the complainers ought not to be burdened with this new caution; and, besides, the pains are "very extraordinair." As they have, nevertheless, found the caution required, the said horning should be suspended.—Pursuers appearing by Mr David Aytoun, and defender by , the Lords do suspend the horning,

Complaint by Alexander, Earl of Home, that Andro Armestrang in Kirktown and Thomas Armestrang of Glendovane remain unrelaxed from a horning of 28th October last for not restoring him the teind sheaves taken from his ground or the price thereof.—Complainer appearing by
Page 622. Johnne Cranstoun, defenders, for not appearing, are to be apprehended by the Captain of the Guard, and their goods inventoried for the King's use. Decree against Thomas and Andrew Armstrong for debt.

Caution in 5000 merks by Niniane M°Morane, merchant in Edinburgh, for Alexander M°Math, merchant there, not to export the tallow shipped by him in the ship called "The Angell," which is arrested by direction of the Council. Caution for Alexander MacMath.

Sederunt.—Chancellor; Saint Androis; Haliruidhous; Quhittinghame; Collector; Justice Clerk; Logy; Mr Petir Rollok; Mr Lues Craig; Sir Alexander Drummond. Edinburgh, 22nd December.

Some variance having fallen out between Hamiltoun of Bathcat and his sons, on the one part, and Sir Williame Lasoun of Boghall, on the other part, there is order to charge both parties to appear on , and in the meantime to do nothing calculated to break the peace, under pain of rebellion. Charge for keeping the peace between Hamilton of Bathgate and Sir William Lawson.

Page 623. *Sederunt*—Chancellor; Saint Androis; Haliruidhous; Master of Lotheane; Quhittinghame; Justice Clerk; Logy; Brintiland; Collector; Mr Lues Craig; Foistersait; Sir Alexander Drummond; Sir Petir Young. Edinburgh, 24th December

"Forsamekle as the General Assembly of the Kirk haveing, upoun mony necessair and weghtie considerationis, ressavit sindrie continuationis be the speciall command and directioun of the Kingis Majestie [see vol. vii. pp. 451–2 and footnote], who, of his princelie cair and faderlie affectioun to the peace and weill of the Kirk, hes left no goode meanis unassayed to extinguishe the fyre of divisioun standing amang the brethrene, and to bring thame to ane uniformitie of myndis and affectionis, wherthrou thair meitingis myght be in peace, love, and christeane cheritie, Further prorogation of the meeting of the General Assembly till July next: prospect of the King's being in Scotland at that time.

and thay thameselffs maid the mair able and strong to oppose thameselffs aganis the adversaris of the treuth and contrarie professouris, whose increse, nomber, and practizeis hes procedit of nothing so muche as by the dissensioun amangs the ministerie; and, the last prorogatioun and continuatioun having procedit upoun a most wyse and godlie course and resolutioun intendit by his Majestie be appointing of the Commissionaris nominat be the Generall Assembly with his Majesteis consent to haif visite the haill presbyteryis and particulair congregationis in this kingdome, the saidis visitationis, in respect of the lang and great storme and unseasounable tyme of yeare, hes ressavit no effect nor executioun; and the Lordis of Secreit Counsall considdering how that it is most necessar and expedient that this visitatioun sall yit preceid the said Assembly; and thair being great hoipis that his Majestie sall honnour his native cuntrey with his royall presence this yeare, and that in his awne persone he sall assist the meiting and Assembly of the brethrene, and, be his royall authoritie, grave wisdome, and singular dexteritie, sattle the present jarris and differenceis in the Kirk and establishe the same in a perfyte love, unitie, and harmonie, and thairwithall be his royall presence greatlie honnour and grace the said Assembly: Thairfoir the Lordis of Secreit Counsaill hes thoght meit yitt to prorogat and continew the said Assembley unto the last Tuisday of Julii next to come,—upoun quhilk day, God willing, it sall begin and hald at the burgh of Dundee; and ordanis publicatioun to be maid heirof at the mercat croce of Edinburgh and otheris placeis neidfull, wherthrou nane pretend ignorance of the same; commanding and chargeing straitlie all his Majesteis subjectis of the ministerie that nane of thame presome nor tak upoun hand to hald and keepe ane Generall Assembly at ony tyme or place afoir the said last Tuisday of Julii, under all heyest pane and charge that they may committ aganis his Majestie in that behalff."[1] Acta 1607–8.

Warrant to apprehend the sheriff-clerk of Fife.

Warrant to the Captain of the Guard to apprehend Patersoun, sheriff-clerk of Fyffe, who is at the horn for not paying to Sir James Hay of Kingas, collector of the taxation, the first term's payment of the said shire, the ingathering of which had been committed to him. Page 624.

Charge to Alexander Penicuick and David Little to keep the peace.

Alexander Pennycooke, one of the Guard, and David Litill of Badunsgill, having, in consequence of "some privat grudge" between them, "maid some brag" in the burgh of Edinburgh, there is order to charge both parties under pain of rebellion to find caution in £1000 to keep the peace.

Decree against Thomas Blackburn and others for debt.

Complaint by Edward Edyair, younger, merchant in Edinburgh, that Thomas Blaikburne and Johnne Hendirsoun, merchants, burgesses of Hadingtoun, and Alexander Borthuik in Smithwell, remain unrelaxed from hornings of 1st and 5th instant for not paying him the prices of

[1] After so many previous prorogations of the General Assembly little confidence was perhaps placed in the promise of this one. In fact, however, the General Assembly *was* to meet at the time now appointed,—viz. the last Monday of July 1608,—though not at the place here specified. The nearer we approach July 1608, therefore, the expectation of that coming Assembly (the first regular Assembly since 1602) becomes stronger and stronger in the public mind, and more important in connection ith things generally in this record.

Acta 1607-8. Page 625. fourteen score and ten bolls of victual, viz. £10 for each boll of wheat, £8 for each boll of bear, and £6 for each boll of oats.—Complainer appearing personally, defenders, for not appearing, are to be apprehended.

Decree against the Laird of Rossie and his son for not paying their tax for re-building their parish kirk.

Complaint by Mr Thomas Hoig, minister at the kirk of Nether Brcok, Alexander Arnott, Johnne Thomesoun, and Richard Wode, three elders of the said kirk, and collectors of the tax granted by the parishioners for re-building the said kirk, that David Rossy of that Ilk, and Patrik Rossy, apparent of that Ilk, remain unrelaxed from a horning of 26th October last for not paying their parts of the said tax.—Complainers appearing by Mr James Wode, decree as above against defenders for not appearing.

Page 626. Decree against Ross of Craigy and others for debt.

Complaint by Thomas Gaw, notary, burgess of Perth, that Mr Robert Ros of Cragy, as principal, and Coline Eviot of Balhoussy, Johnne Ros of Magdalenis, Mr James Ros, his brother, and George Moncreif in Kirktoun of Malar, as sureties, remain unrelaxed from a horning of 8th July last for not paying him 1000 merks as principal, with arrears of interest, £100 for expenses of registration, and £10 for each charge.—Complainers appearing by Patrik Hammiltoun, decree as above against defenders.

Page 627. Decree against William Anderson for debt.

Complaint by Johnne Olipheir in the Hiltoun of Cragy, that William Anderson in Newbigging remains unrelaxed from a horning of 16th April 1606 for not paying him certain sums.—Complainer appearing by Archibald Douglas, decree as above against defenders.

Decree against John Spotswood for debt.

Complaint by Agnes Lauder, relict of George Hoppringle of Murehous, that Johnne Spottiswode of Quhitlie remains unrelaxed from a horning of 7th June 1606 for not paying 50 merks for the teinds of Stowbrayis yearly since 1595.—Complainer appearing by Thomas Meggat, decree as above against defender.

Page 628. Decree against certain persons at the horn for non-payment of taxes.

Complaint by Sir James Hay of Kingas, collector of the taxation granted in July 1606, that the following persons remain unrelaxed from hornings for non-payment of their parts of the first term's payment of the said taxation, viz. Johnne Robertoun, sheriff clerk of Lanerk, for part of the tax of the said shire, £312, 16s. 6d., William Bannatyne of Corhous, for his lands of Corhous, £20, and Thomas Weir of Halkisland, for his lands of Halkisland, 15s.—Pursuer appearing by James Prymrois, decree as above against defenders.

Page 629. John Hall, stabler, against John Kinloch, postmaster.

Complaint by Johnne Hall, stabler in the Cannogait:—In July last Johnne Kinloch, postmaster there, took from complainer,—"ane poore man having nothing quhairon to interteny himself and his bairnis bot the hyris whilkis he gettis be his horse,"—a bridled and saddled horse, worth 80 merks: which he sent in post to Hadingtoun; where the horse "brak his legg and wes thairby maid unable to ryde." The horse, though "sensyne somequhat mendit of that hurte," yet "remaning always very cruikit and unmeit for ryding," the said Johne Kinloch "hes sensyne keepit him to his awin workis, sometyme in the pleuch and sometyme in leading of fuilyee," so that complainer, being thus deprived of his means of livelihood, is "altogedder wrackit and herreit."—Complainer appearing personally, but defender failing to appear, the Lords decern defender to pay complainer £40 in full satisfaction for his said horse and the profits thereof.

Edinburgh, 29th December.

Sederunt—Chancellor; Mairshaell; Bishop of Saint Androis; Bishop of Orkney; Blantyr; Haliruidhous; Quhittinghame; Justice Clerk; Collector; Myrecairny; Sir Alexander Drummond; Fostersait; Sir Lues Craig. Acta 1607-8.

Charge to Lord Maxwell to render his houses and castles.

As, albeit Johnne, Lord Maxwell, has been denounced rebel for not appearing to answer for his treasonable escape furth of the castle of Edinburgh (*ante*, p. 24),—a deed the "moir dishonnorable and contemptible in sa fer as he intendit to haif relevit Sir James M°Coneill,"—yet the said Lord enjoys the possession of his houses as if he were a free subject, there is order to direct letters charging him to deliver the castles of Carlaverok, Treiff, and Lochmaben, and the castle in Drumfreis, to the executioners of the said letters, within six hours after the charge, under pain of treason. Page 630.

Proclamation for apprehension of Maxwell of Dinwiddie.

Order that the name of Robert Maxwell of Dynwiddie be inserted in the "proclamatioun send doun frome his Majestie," prohibiting the reset of Lord Maxwell (*ante*, p. 20), with a promise of remission of offences, and 500 merks of reward, to anyone who may apprehend him, or of £1000 to anyone not requiring a remission.

Charge for arresting the goods of Lord Maxwell and Maxwell of Dinwiddie.

In respect of the horning executed against Lord Maxwell and Robert Maxwell of Dynwiddie, the Lords ordain letters to be directed charging officers of arms to fence and arrest all and sundry their goods wherever found, the same to remain under sequestration till the said persons "be tryit foull or clean" of the crimes laid to their charge. Page 631.

Charge to certain Maxwells and others to find caution not to reset Lord Maxwell and Maxwell of Dinwiddie.

Lord Maxwell and Robert Maxwell of Dynwiddie being resetted in Nithisdaill and Galloway, there is order to charge the following persons to appear, under pain of rebellion, on 26th January next, and then to find caution not to intercommune with the said malefactors:—viz. Lord Hereis; Williame, , Maxwellis, his brothers; the brothers of Lord Maxwell; Sir Robert Maxwell of Spottis; Eduard Maxwell, elder of Tynwall; Williame, Harbert, and Maxwellis, his sons; Johnne Maxwell of Kirkconnell; Johnne Maxwell of Conhaith and his brothers; Eduard Maxwell of the Hillis; George Maxwell of Drumcowtrane; Alexander Maxwell of Logane; Archibald Maxwell of Cowhill; James Maxwell of Portrak; Eduard Maxwell, his brother; Homer Maxwell of Carnsallauch; Harbert Maxwell of Kirkmaho; Johnne Maxwell of Keltoun; Eduard Maxwell of the Yll; Maxwell of Kililung; Maxwell of Lamingtoun; Thomas Maxwell, called of Logane, Harbert Maxwell of Cavens and his sons; Williame Maxwell of Baltersane; Eduard Maxwell of Trustane; Robert Maxwell of Fourmerkland; Harbert Maxwell of Craigis; Williame Maxwell of Kilbeane; Rorisoun of Bardannach; the provost, bailies, and council of Drumfreis; Sir James Maxwell of Calderwode; Sir Johnne Maxwell of Pollok; and Patrik Maxwell of Newark.[1] Page 632.

[1] The severities against Lord Maxwell ordered in this and preceding Acts are direct results of the King's instructions to the Council in a Royal Letter, of date 14th December 1607.

Acta 1607-8.

The assurances between James, Earl of Glencairne, on the one part, and Hew, Earl of Eglintoun, and Robert, Lord Sempill, on the other part, being now almost expired, albeit their "variance" yet remains, there is order to charge both parties, under pain of rebellion, to subscribe, within six days after the charge, such new form of assurances as shall be presented to them, to endure till 1st January 1609.

Charge for renewed assurances between the Earls of Glencairn and Eglinton.

Sederunt—Chancellor; Bishop of Saint Androis; Bishop of Orknay; Mortoun; Wyntoun; Lotheane; Blantyr; Haliruidhous; Master of Lotheane; Quhittinghame; Justice Clerk; Brintyland; Collector; Myrecairny; Mr Petir Rollok; Sir Lues Craig; Fostersait; Sir Alexander Drummond; Sir Johnne Arnott.

Edinburgh, 31st December

As it is necessary that the houses of Carlaverok, Lochmaben, Langholm, Treive, and Dumfries, which John, Lord Maxwell had been charged to render to his Majesty's officer (*ante*, p. 28), "be putt in the keiping of some speciall personis who may best assuir the same for his Majesteis obedyence," there is order as follows:—Sir William Cranstoun, Captain of

Page 633.

the Garrison, is to have the keeping of the first three houses, and is allowed ten persons for that purpose; Sir Mungo Murray, Cornet of the Guard, is to send four of his company to the castle of Treve, to receive the same from the said officer; and the bailies of Drumfreis are to receive the castle of Drumfreis from the same officer, and to appoint such a number of soldiers, provided with powder and bullet, as will assure the keeping of the said house. If there be no persons within the said place to render the same, "bot that the yettis thairof be lokkit and closit," the said bailies are to "brek up the yettis of the said place, mak oppin durris, and use his Majesteis keyis to that effect"; and, if the houses of Car-

Page 634.

laverok, Lochmaben, and Langholme "be cloisit and lokkit," there is like warrant to Sir Williame Cranstoun for these houses.

Keepers appointed for Lord Maxwell's castles.

Sir William Cranstoun having been ordained to keep a garrison in the houses of Carlaverok, Lochmaben, and Langholme, "and it being nawayes reasounable that his Majestie oute of his awne cofferis sould mak the chargeis and expenssis," the Lords, with advice of Sir Johnne Arnott, treasurer-depute, grant commission to the said Sir Williame to uplift so much of the goods and rents belonging to Lord Maxwell as will be sufficient for the purpose.

Commission for uplifting Lord Maxwell's ferms for keeping his houses.

As Lord Maxwell and Robert Maxwell of Dynwiddie are going about

Page 635.

publicly in Nithisdail and Galloway, the Lords grant commission to Sir Williame Cranstoun, Captain of the Garrison, to convocate the lieges in arms and to pursue and apprehend the said malefactors, with indemnity to the said Sir William for any "slauchter, mutilation, or ony uther inconvenient" that may happen in the execution of this commission, and with

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charge to all and sundry to assist the said Sir Williame in the pursuit.

Commission to the Captain of the Guard for the pursuit of Lord Maxwell and Maxwell of Dinwiddie.

Complaint by Thomas Colingwode of Little Ryne, as follows:—On the night of 5th November last there had been stolen from his lands of

Thomas Collingwood, Englishman,

against Quinten Boston for restitution of stolen cattle.

Eslingtoun in England seven kye. After a long and expensive search for the said goods, he had learned that they had been bought from the thieves between this burgh and Lauder by Quintene Bowstene, burgess of Edinburgh, who sold them in this burgh and elsewhere; and, although complainer had applied for redress to the commissioners of the Borders, they would take no cognition therein, because Quintene does not dwell within their bounds. The goods are worth 7 English nobles per head, the noble being equal to £4 Scots.—Both parties appearing, and defender having declared that he bought the seven kye from Nickie Fletcheour and that he had caution warranting the said goods to be lawful and not stolen, the Lords decern defender to pay to pursuer £22 Scots for each of the kye, the latter having sworn by his great oath that they were worth that sum. Acta 1607–8. Page 637.

Decree against James Baillie for debt.

Complaint by Samuel Birs, writer to the signet, that James Baillie, portioner of Cormestoun, remains unrelaxed from a horning of 2nd May last for not paying him, as assignee to Alexander, Earl of Dunfermling, chancellor, £63, 5s. with £10 for expenses.—Complainer appearing personally, there is warrant to the Captain of the Guard to apprehend defender and inventory his goods for not appearing. Page 638.

Adam Bruntfield against Gilbert Cranston for treacherous assault.

Complaint by Adam Brountfeild, brother of Johnne Brountfeild in Gordounmains, as follows:—For removing the malice conceived against complainer and his kin by Gilbert Cranstoun, son of the late George Cranstoun of Corsbie, complainer not only made assythement for the slaughter of Cranstoun in , but agreed that he and the said Gilbert should meet at a convenient place and "hairtelie chop handis and drink togidder." Having to this effect met on 4th instant in the house of Thomas Home in Gordoun, they in a "verie freindlie maner" embraced each other; and, after they had "remanit togidder at table in that house ane certane space," complainer "presentit ane drink to the said Gilbert: wherof he verie hairtelie acceptand, the said complenair setting the coupp to his head, lookeing for nothing les then ony violence to haif bene done to him," the said Gilbert "secreitlie drew furth the said complenaris awne quhingeair" and shamefully gave him "ane deidlie straik thairwith in at the richt papp and alangis the ribbis."—Both parties appearing, the Lords find the complaint proven, and ordain defender to be committed to ward in the tolbooth of Edinburgh. Page 639.

Decree against Jardine of Applegarth for debt.

Complaint by Eduard Johnnestoun, younger, merchant, burgess of Edinburgh, that Sir Alexander Jardane of Apilgirth remains unrelaxed from a horning of 14th instant for not paying him £4000 as principal and £100 for expenses.—Complainer appearing by Archibald Douglas, there is warrant to the Captain of the Guard to apprehend defender and inventory his goods for not appearing. Page 640.

Decree against Gavin Wemyss and spouse for non-fulfilment of contract.

Complaint by Jonnett Dudingstoun, relict of Gawin Weymis of Unthank, and Andro Wod of Strathuthie, now her spouse, that Gawin Weymis, now of Unthank, and Katherene Weymis, his spouse, remain unrelaxed from a horning of 2nd November last for not fulfilling a con-

Acta 1607–8. tract of 10th March 1593, and for not paying them 5 merks for expenses. —Complainers appearing by Archibald Douglas, decree as above against defenders.

John Stirling of Easter Bracky and his servants against James Wishart and others for violence.

Page 641. Complaint by Johnne Sterling of Easter Brakie, that James Wisheart, son and apparent heir of the late Mr James Wisheart of Rynd, Johnne Leith, citizen in Brechin, Jeane Guthrie, mother of the said James, Henrie Futhie, elder, sometime of Boysak, Mr James Futhie, his son, Thomas and Arthour Forthyis, his sons, James Rankene in Ballandoche, James Peter in Wester Bablene, Williame Wode, sometime of Latoun, Andro Wisheart in Muretoun, and Andro Martine, messenger, citizen in Brechin, with others, to the number of three score, all armed with swords, lances, steel bonnets, jacks, platesleeves, and other weapons, came upon 6th March last, in fair day light, to the houses and barns of Rynd, occupied by Williame Allane, Thomas Melvill, and Johnne Lewsoun, the complainer's servants, broke up the doors thereof, cast their corns and goods into the "boddome of ane foull and deip myre, callit Bonnymonis myre," cruelly pursued the said servants for their lives, and took them as captives furth of the said houses.—Charge had been given to the defenders, except James Wisheart and Arthour Futhy, to answer; and now, the said Johnne Sterling appearing for himself and the other

Page 642. pursuers, and the said Mr James Futhie, Thomas Futhie, Andro Martine, Johnne Leitche, and Jeane Guthrie being also present, there are produced King's letters, passed by deliverence of the Lords of Council and Session, charging the sheriff of Forfair to remove the said servants furth of the lands and houses of Rynd, and enter the said James Wisheart, and the said Johnne Leitche, his curator, therein. The Lords therefore remit this matter to the Council and Session.

Edinburgh, 2nd Jan. 1608.

Sederunt—Chancellor; Mairshaell; Lotheane; Wyntoun; Haliruid-hous; Privy Seal; Collector; Bryntiland.

Anent a band of ruffians perambulating the streets of Edinburgh at night.

Inasmuch as "some insolent and deboscheit personis, frequenting and repairing to this burgh, hes divers nichtis bigane repairit in companyis and societeis to the commoun streitis of this burgh, and thair, attending and awaiting the occasioun quhen thay may putt thair detestable and insolent villannyis to excutioun, thay not only force wemen, committis

Page 643. sindrie robreis and reiffis, bot, quhair thay find resistance, thay enter in violent persute of the honnest nyghtbouris and uthiris his Majesties goode subjectis within this burgh"; and as the Lords have resolved to punish with death this "detestable and insolent forme of doing," as being "unworthie to be hard of in a civile and weill governit citie": proclamation accordingly is ordered at the market cross of Edinburgh, with a charge to the magistrates to "appoint some personis to gaird thair streittis, and to attend and await yf thay may apprehend ony of the saidis insolent lymmaris," and with assurance that any hurt or mutilation done to the said malefactors in pursuit of them shall be accounted good service.

Edinburgh, 7th Jan. 1608.

Sederunt—Chancellor; Saint Androis; Glasgow; Huntley; Mairshaell; Mar; Mortoun; Caithnes; Lotheane; Blantyr; Haliruidhous; Murdocarny; Brintiland; Justice Clerk; Collector; Master of Requests; Quhittinghame; Kilsyith; Mr Peter Rollok; Sir Peter Young; Sir Alexander Drummond; Sir Lues Craig; Sir Johnne Arnott. Acta 1607-8.

Decree against Dunbar of Moynes for non-fulfilment of a decree arbitral.

Complaint by Alexander Dunbar of Westfield, that Johnne Dunbar of Moynes remains unrelaxed from a horning of 30th May 1606 for not transferring to him his right to the tack of the teindsheaves specified in a decree arbitral of date 18th April 1604.—Complainer appearing by Alexander Douglas, there is warrant to the Captain of the Guard to apprehend the defender and inventory his goods for not appearing. Page 644.

Decree against Robert Ormiston for debt.

Complaint by Stevin Jaksoun, merchant in Berwyck, that Robert Ormestoun of Old Melrois remains unrelaxed from a horning of 15th August last for not paying him £88, 3s.—Complainer appearing by Archibald Douglas, decree as above against defender. Page 645.

Decree against Alexander Stewart for not finding caution.

Complaint by George Pringle of Torwodlie, Johnne Pringle of Buckholme, James and Johnne Pringlis, his sons, Johnne Pringle of Tynneis, James and Thomas Pringlis, his brothers, and George Pringle called of Smelhame, that Alexander Stewart, son of James Stewart, called in Tynneis, remains unrelaxed from a horning of 12th September last for not finding caution in 1000 merks for their indemnity.—Complainers appearing by George Pringle, decree as above against defender.

Decree against David Ochterlony and others for debt.

Complaint by David Hunter, burgess of Dundee, that David Auchtirlony, bailie of Arbroath, as principal, and Patrik Guthrie of Auchmuthie and Robert Lyn, burgesses of Arbroth, as sureties, remain unrelaxed from a horning of 22nd August last for not paying him £300 as principal and £100 for expenses.—Complainer appearing by Archibald Douglas, decree as above against defenders. Page 646.

Decree against Walter Cairncross for debt.

Complaint by Mark, Earl of Lotheane, that Walter Carnecroce, eldest son of dame Grissell Scott, Lady Borthuik, remains unrelaxed from a horning of 7th December last for not paying him 1000 merks as principal and 200 merks for expenses.—Complainer appearing personally, decree as above against defender. Page 647.

Decree against Sir William Ochterlony for debt.

Complaint by David Mitchell, merchant in Edinburgh, that Sir Williame Auchtirlony of Kellie remains unrelaxed from a horning of 11th July last for not paying him £835 as principal and £300 for expenses.—Complainer appearing by Johnne Dempstar, decree as above against defender.

Decree against Thomas Younger for debt.

Complaint by Johnne Gray, merchant in Culrois, that Thomas Younger, portioner of Kincairdin, remains unrelaxed from a horning of 28th November last for not paying him 560 merks as principal and £50 for expenses.—Complainer appearing by Johnne Young, decree as above against defender for non-appearance. Page 648.

Acta 1607-8. Complaint by Agnes Patoun, sister of Johnne Patoun of Hilfute, that Archibald Steuart, servitor to James, Earl of Murray, remains unrelaxed from a horning for not infefting her in an annualrent of 20 bolls victual, and for not paying her £10 as expenses of plea and £10 paid to the collector of the Lords of Session.—Complainer appearing personally, Page 649. decree as above against defender. Decree against Archibald Stewart for debt.

The assurances between Alexander Horsburgh of that ilk and Mr Archibald Douglas, parson of Peblis, being now expired, there is order for new assurances between them within six days after the charge, to endure till 1st January 1609. Laird of Horsburgh and Parson of Peebles.

Page 682. Action by David Brysone, macer, against Hew Brown, younger, and Thomas Hunter, burgesses of Edinburgh, and Mr Isack Brown, advocate, for remaining unrelaxed from a horning of 31st December last for not paying Page 683. him £2000, as principal, and £40 for expenses.—Charge had been given to Hew and Mr Isack Brown to answer; and now, pursuer appearing personally, defenders, for not appearing, are to be apprehended by the Captain of the Guard. Decree against Hew and Mr Isaac Brown for debt.

George, Earl of Caithnes, and James, Earl of Murray, appearing, give their oath of allegiance. Caithness and Moray.

Page 649. *Sederunt*—Chancellor; Bishop of Saint Androis; Bishop of Glasgow; Huntley; Mairshaell; Caithnes; Tullibardin; Saltoun; President; Scone; Torphichin; Blantyr; Haliruidhous; Murdocarny; Brintiland; Quittinghame; Advocate; Justice Clerk; Collector; Clerk of Register; Fostersait; Sir Lues Craig; Sir Alexander Drummond; Sir Peter Young; Myrecairny; Sir Johnne Arnott; Preistisfeild. Edinburgh, 12th January.

By his Majesty's warrant, dated at Whytehall, 1st instant (see it among *Royal and Other Letters*), Thomas Hammiltoun of Priestisfeild is admitted of the Privy Council, and gives his oath *in communi forma*. Hamilton of Priestfield admitted of the Council.

Order to the justice and justice clerk, conform to the King's warrant, Page 650. to put Sir James M^{c}Coneill to an assize for having hurt some of the keepers of Edinburgh Castle, broken ward furth thereof, and for other crimes.—See Royal Letter of 1st January 1608. Warrant for the trial of Sir James MacDonald.

Order, as by direction in writing signed by his Majesty, to Sir Thomas Hammiltoun of Bynnie, his Majesty's Advocate, to libel a summons of forfeiture against Johnne, Lord Maxwell, and Robert Maxwell of Dynwiddie, to be pursued before the justice in the tolbooth of Edinburgh at a diet to be appointed.—See Royal Letter as above. Forfeiture against Lord Maxwell and Maxwell of Dinwiddie.

Sederunt—Chancellor; Huntley; Angus; Mairshaell; Mar; Caithnes; Lotheane; President; Saltoun; Torphichin; Blantyr; Haliruidhous; Master of Lotheane; Master of Elphingstoun; Quhittinghame; Murdocairny; Brintiland; Justice Clerk; Advocate; Collector; Clerk of Register; Sir Lues Craig; Fostersait; Preistisfield; Mr Peter Rollok; Sir Johnne Arnott; Sir Peter Young. Edinburgh, 14th January.

Committee for trying the weight and quality of the ore from the mines of Hilderston.

Understanding that Sir Bewis Bilmure, Edmond Dowbleday, George Cunynghame, and other commissioners, appointed by his Majesty to win ten tons of ore furth of the mines of Hilderstoun, have now commenced to barrel a great part of the said ore for transportation to England (*ante*, p. 22), the Lords grant commission to Sir Johnne Arnott of Birsay, treasurer-depute, Sir Archibald Naper of Edinbillie, general of the cunyie-house, Thomas Achiesoun, master cunyeor, Thomas Foullis and George Foullis, goldsmiths, burgesses of Edinburgh, or any three of them,—Arnot, Naper, or Achiesoun, to be always one,—to repair to the said mines, see the ore weighed, "and tak furth thairof three or foure stane weght or thairby of the samin ure, ather furth of the haill heape, or be small parsellis furth of the severall barrellis, als neir in worth and qualitie to the generall proportioun of the haill ten tune as possiblie thay can, and that they caus melt the said quantitie of ure to be tane furth of the said ten tune be thame, and cast it in ane lignott, ather at the saidis mynes, or in his Majesteis cunyeehouse, as they find best commoditie for doing of the samin exactlie, and divyde the lignott in twa as equall halffis as goodlie thay may,"—one of the said halves being marked to be "delyverit to his Majesteis commissionaris, to be caryit and presentit be thame to his Heynes," and the other half "to be retenit be the said Sir Johnne Arnott and his colligis foirsaidis, and ane perfyte saye takin be thame of the samin and reportit be thame to the saidis Lordis of Secreit Counsell, quhairby thay may haif the better knawlege of the trew qualitie and worth of the said ten tune of ure to be transportit furth of this realme and git moir perfyte informatioun to his Majestie of the samin." Acta 1607-8. Page 651.

Decree against Lord Colville for debt.

Complaint by Samuell Blaikburne, merchant, burgess of Edinburgh, that James, Lord Colvill of Culrois, remains unrelaxed from a horning of 7th December last for not paying him £710, 18s. as principal and 100 merks for expenses.—Complainer appearing personally, defender, for not appearing, is to be apprehended by the Captain of the Guard, and his goods inventoried for the King's use. Page 652.

Advice of the Council in the matter of a citation of several Scotsmen to appear before the Privy Council of England.

"The Lordis of Secreit Counsaill haveing hard and considderit the petitioun presentit unto thame in name of Gilbert Ker, Williame Ruthirfoorde, Johnne Tait of Yettame, and Johnne Tait of Ovirknow, proporting that they wer cited be ane precept direct from the Counsell of England to compeir befoir his Majestie and the Counsell of England the tent day of Februair nixt to ansuer to sic thingis as sal be layed to thair charge, ilkane of thame under pane of ane hundreth pundis sterling, and thairfoir craving the saidis Lordis avise, counsell, and opinioun quhat thay sould do in that mater, to the effect that be thair unadvised procedingis thay induce not a prejudice to the haill estate and a preparative aganis uthiris his Majesteis subjectis,—lyke as at mair lenth is contenit in the said petitioun: Whilk, with the summondis gevin to thame, writtin on parchement and closed within walx, being red in audience of the saidis Lordis, and thay being thairwith weill advisit, the Lordis findis that sic forme of summondis and chargeis is a novaltie of a dangerous preparative, importing prejudice

Acta 1607-8. to the haill estate, and thairfoir findis it meit and expedient that the saidis petitionaris sall not obey the said charge, as alsua ordanis ane missive letter to be writtin to his Majestie acquenting his Heynes with the forme and maner of the said citatioun, and humelie to beseik his Majestie that no sick citationis be direct aganis the subjectis of this cuntrey."[1]

Decree against Rutherford and Newton for debt.

Page 653. Complaint by Johnne Haliburtoun of Mertoun, that Williame Ruthirfuird of Litilheuch, as principal, and Andro Newtoun, burgess of Jedburgh, as surety, remain unrelaxed from a horning of 29th December last for not paying him 300 merks as principal and 50 merks for expenses.—Pursuer appearing by James Wrycht, defenders, not appearing, are to be apprehended by the Captain of the Guard, and their goods inventoried for the King's use.

John Hislop against Robert Tod for assault.

Page 654. Complaint by Johnne Heislop in Nudrie Mairshaell that, upon 8th instant, Robert Tod there, having been informed that complainer had gone to Edmestoun, "obscuirlie dernit himselff in some brume bussis neir unto the hie way," and, when complainer was passing, "ferslie sett upoun him," gave him "ane deidlie straik" upon the head with a fork, and, while he was "lyand deid upoun the ground in a swone," gave him "sax great bloody woundis" with the said fork, and reft from him his sword, cloak, and whinger.—Pursuer appearing by James Dowy, defender, not appearing, is to be denounced rebel.

Decree against Margaret and Marion Tod for non-fulfilment of an obligation.

Page 655. Complaint by Robert Richardsoun, brother of James Richardsoun of Smetoun, that Margaret and Marione Todis, daughters and heiresses of late Hew Tod, burgess of Edinburgh, and Mr Alexander Sym, advocate, spouse to the said Margaret, and Hew Broun, spouse to the said Marione, remain unrelaxed from a horning of 25th December last for not fulfilling to complainer a band made to him, of 14th March 1579, by the late Williame, Lord Ruthven, as principal, and the said Hew and certain others as cautioners for him, and transferred to the said defenders, by which band there was due to complainer an annualrent of 10 per cent. for a principal sum of £4000.—Complainer appearing by Alexander Douglas, but none of defenders appearing, there is warrant to the Captain of the Guards to apprehend them, and inventory their goods for the King's use.

Edinburgh, 15th Jan. Caution for Lady Spynie.

Page 656. Caution by Williame, Earl of Mortoun, for dame Jeane Lyoun, Lady Spynie, that she and all whom she "may stop or latt" shall not harm Sir David Lindsay of Edyell, Mr Alexander Lindsay, his son, David Lindsay of Balgay, or those of their men who are not at the horn for the slaughter of Alexander, Lord of Spynie, under the pain of 5000 merks and of perjury.—Mr David Aytoun, advocate, registers the band, written by Alexander Wylie, servitor to James Prymrois, Clerk of Council, and subscribed

[1] See Council's Letter to the King on the subject, of the same date as this minute, among *Royal and Other Letters;* and, for the sequel of the story, see among those Letters four from the Scottish Privy Council to individual members of the English Privy Council, all of date 10th March 1608.

at Dalkeith, 28th December 1607, before George Douglas, younger of Langnudrie, Mr Robert Hunnyman, Jo. Angus, David Gairden, Henry Wilsoun, and Thomas Guthrie. Acta 1607–8.

Edinburgh, 19th January.

Sederunt—Chancellor; Huntlie; Angus; Mar; Cassillis; Lotheane; Tullibardin; President; Blantyr; Haliruidhous; Master of Lotheane; Master of Elphinstoun; Murdocairny; Quhittinghame; Bruntiland; Justice Clerk; Advocate; Collector; Myrecairny; Mr Petir Rollok; Fostersait; Sir Alexander Drummond; Sir Michael Elphinston; Sir Johnne Arnott; Sir Petir Young.

Act in favour of Sir Thomas Hamilton of Bynnie anent his mines of Hilderstone.

Conform to a supplication by Sir Thomas Hammiltoun of Bynnie, King's Advocate, who by his letter had granted his consent that his Majesty's commissioners should dig ten tons of ore furth of his mines of Hilderstounis, to be transported to England, "thair to be tryit, assayed, and usit," not- Page 657.
withstanding the loss of profit to the said Advocate "be the taking of sa great a quantitie of his ures" (*ante*, p. 34), the Lords empower Sir Johnne Arnott, treasurer-depute, and Thomas Achiesoun, master coiner, or either of them, "to repair to the saidis workeis, and try quhat quantitie of ure his Majesteis commissionaris foirsaidis hes alreddy wonne, and, how sone thay find the said ten tunne of ure to be wynne be his Majesteis commissionaris, that immediatelie thairefter thay ressave fra theme the keyis of the haill houssis at the saidis workis and mynes lent to thame be the said Advocatis servandis for thair use during thair remaning for wynning of the said ure, and delyver tne same keyis to the said Advocat and his servandis in his name," so that he may be again in full possession of the said houses and mines.—Edinburgh, 10th March 1608, this Act deleted by a warrant of the Lords of Secret Council: J. Prymrois.

Leets for the stewardships of Kirkcudbright and Annandale.

According to a direction in writing signed by his Majesty, the Lords have leeted for the office of the stewardship of Kirkcudbrycht the Lord Hereis, the Lord of Garleis, the Laird of Bombie, and Williame M°Clellane of Auchleane, sometime tutor of Bombie, and for that of Annanderdaill Lord Hereis, and the Lairds of Drumlangrig, Amisfeild, and Lag: the said offices being now vacant by the rebellion of Lord Maxwell.—They order a letter to be written to his Majesty to acquaint him with the said leets, so that he may make choice from them.

Charge for electing Sir Thomas Kirkpatrick to be provost of Dumfries and Sir William Cranston to be provost of Annan, in place of Lord Maxwell and his brother, the former provosts.

Lord Maxwell, provost of Drumfries, and the Master of Maxwell, his Page 658
brother, provost of Annand, being now rebels, and his Majesty having made choice of Sir Thomas Kirkpatrik of Cloisburne to be provost of Drumfries, and of Sir William Cranstoun to be provost of Annand for this year,—"quhilkis personis being knawin to be affectionat to his Majesteis service and loveairis of the peace and quietnes of the cuntrey, thair commandiement ower the saidis burrowis will gritlie assuir the dewtifull cariage of the inhabitantis of the same,"—there is order to charge the bailies and councils of the said burghs, and those "haveing voit in the electioun of the magistratis of the same," to convene in their

Acta 1607-8. accustomed places of meeting, and there of new to elect the said persons to be provosts of the said burghs, within twenty-four hours after the charge, under the pain of rebellion. There is to be charge also to the inhabitants of the said burghs to obey the said persons as their lawful magistrates, and on nowise to acknowledge their said former provosts, under all highest pain.—Connect with two Royal Letters of 1st January 1608.

Mr William Hart admitted of the Council.

By a warrant signed by his Majesty, Mr William Hairt, justice-depute, is admitted to be one of the Privy Council, and gives his oath *in communi forma*.—See Royal Letter of 1st January 1608.

Page 659.

Charge to Douglas of Drumlanrig and others not to reset Lord Maxwell or Maxwell of Dinwiddie.

As Johnne, Lord Maxwell, and Robert Maxwell of Dynwiddie, rebels, publicly haunt the burgh of Drumfreis, and Nithisdaill and Galloway, there is order to charge Sir James Dowglas of Drumlangrig, Sir Robert Gordoun of Lochinvar, William Dowglas, son and apparent heir of the said Sir James, and Johnne Maxwell of Conhaith, who are now in Edinburgh, to find caution, under pain of rebellion, the first two in 5000 merks each and the other two in 3000 merks each, within six days after the charge, not to reset the said rebels, and not to leave Edinburgh till they find the said caution.

Page 660.

Act against firearms in the North.

The bearing of hagbuts and pistolets having "becum moist frequent and commoun in the North," and George, Marquis of Huntley, having undertaken to "dilait" to the Council persons guilty of the said crime, the Lords promise to dispone to him one half of the fines which shall be imposed upon those convicted.

The Borders. 1603–1643. Fol. 36, b.

Approbation of the services of the Earl of Dunbar and of the Commissioners over the late Borders in reducing those parts to obedience.

Order of Council for expeding and passing under the great seal, according to a signature received from his Majesty of date , a letter to this effect:—His Majesty having "a speciall cair and regard" to have the late Borders, now "the midle shyres of this yland," reduced to thorough obedience, had not only for this effect selected for each kingdom commis-

Fol. 37, a.

sioners for executing his directions in that service,—of whom Sir William Seatoun, Sir William Home, Sir Patrik Chirnesyd, Sir Johnne Charterhous, and Sir Jedione Murray, were appointed commissioners for the Scottish side (*ante*, vol. vii. p. 702),—but had also, from "lang experience and large prooffe" of the "great wisdome, diligence, secrecy, and dexteritie" of George, Earl of Dunbar, "in the execution of all suche directionis as formerlie wer concredit unto him," recommended to the said Earl "a cair of the saidis midle shyres," and given "sindrie verball directionis and some secrete instructionis unto him for the apprehensioun and puneisheing of certane notorious malefactoris within the saidis shyres." These directions and instructions the Earl of Dunbar has most wisely executed, by apprehending a great number of notorious malefactors, who "hes moist worthelie and justlie sufferrit death," to his Majesty's honour, comfort of good subjects, and "furtherance of the happie unioun whilk his Majestie sa earnestlie wisheis." The said commissioners also, and Sir William Cranstoun, captain of the garrison for the middle shires, have

Fol. 37, b.

with the like wisdom done their duty. Therefore his Majesty, with

advice of the Lords of his Privy Council, finds and declares that the said Earl, the said commissioners, and the said captain, have done very good service, "meriting his Hienes princelie rewaird and rememberance." Meanwhile, all their actions of hostility in the execution of the directions and instructions given them by his Majesty for his service in the middle shires are approved, and they are exonerated of the same.[1] The Borders. 1603–1643. Fol. 38, a.

Edinburgh, 21st January.

Sederunt—Chancellor; Huntley; Angus; Cassillis; Mar; Caithnes; Lowtheane; Balmerinoch; Blantyre; Halyruidhous; Master of Lowtheane; Master of Elphingstoun; Justice Clerk; Advocate; Murdocairny; Bruntiland; Quhittinghame; Logy; Preistfeild; Sir Lues Craig; Sir Alexander Drummond; Sir Johnne Arnot; Mr William Hairt. Acta 1607-8. Page 660.

Hamilton of Bathgate and Lawson of Boghall.

Some variance having lately fallen out between Robert Hammiltoun of Bathcat and Sir Robert Lawsoun of Boghall, there is order to charge both to subscribe an assurance to one another till 1st January 1609, and to find caution each in £2000 for keeping the same, within six days after the charge, under pain of rebellion.

Charge to the Earl Marischal and his son to answer anent a challenge.

Order to charge George, Earl Marschell, and William, Lord Keith, his eldest son, to appear, under pain of rebellion, on 26th instaut, and bring with them Johnne Wigtoun, footman to the said Lord Keith, to answer touching certain "challengeis and cartaillis writtin be him at thair command," and sent by them to Frances Sinclair, son of the Earl of Caithnes, and affixed to some public places of this burgh. Page 661.

Charge to Andrew Horsburgh.

Alexander Horsburgh of that ilk having been required to give an assurance to the parson of Peblis for Andro Horsburgh, his son, but the said Andro refusing to promise his father, by word or writing, to keep the said assurance inviolate, there is order to charge the said Andro to appear and answer, under pain of rebellion.

George MacAlexander against John MacAlexander for assault and violence.

Complaint by George M°Alexander of Corsclayis as follows:—Upon 28th March 1605, when his servant Duncane Gray was returning from the lands of Drummochreine after executing a precept of warning against Johnne M°Alexander in Drummochreine for his removal from the said lands, the said Johnne "laip on horsbak," and, having overtaken him at Auchinblane, "with ane grite battoun gaif him mony bludy straikis upoun the heid," and "fellit him thairwith deid to the ground." Again, upon 6th August last, the said Johnne M°Alexander having forgathered with

[1] Although, from the place among the Border papers where this entry occurs, its proper date seems to be 19th January 1608, as here given, it bears the actual dating "19th January 1607," and it is *possible* that this may be correct. In that case, this was an exoneration granted to the Earl of Dunbar just after his appointment to the Chief Commissionership over the middle shires in December 1606, but intended to be applicable to his incidental work done in the Border districts in co-operation with the previous official Commissioners, in consequence of private orders given him by the King for such co-operation, *before* he was himself thus publicly and openly charged with the Chief Commissionership. *See* vol. vii., Introduction, p. lxxxiii.

Acta 1607-8. Johnne Fergie, another of complainer's servants, in the burgh of Air, first upbraided him, then "with his fauldit neve gaif him a grite straik upoun
Page 662. the face and left ee, quhairof he is liklie to losse the sicht," and then, with a drawn whinger, pursued him for his life.—Complainer appearing personally, defender, for not appearing, is to be denounced rebel.

Suspension of horning against Mr Henry Anderson and Alexander Brown.

Complaint by Mr Henry Andersoun and Alexander Broun, burgesses of Perth, as follows:—James Andirsone (? Adamesone), merchant in Perth and sometime customer thereof, has, by certain general letters, charged the said Mr Henry to pay him the customs of two half ladenings of timber alleged brought home by him in the ship called 'The Mey Flour,' and of a pipe of "plume dalmes and ane barekin of honney," and of 400 ells of woollen cloth, and has charged Broun to pay the custom of two half ladenPage 663. ings of timber also brought home by him in the said ship. Complainers plead (1) that the said charge is general, without due specification of the particulars of quantity, quality, term, &c., and (2) that during the time of defender's tack of the customs of the burgh, now long ago expired, they did not import any such merchandise as the above; and, as they have nevertheless found caution for the payment demanded, they crave suspenPage 664. sion of the said letters.—Complainers appearing by Mr Oliver Colt, advocate, but defender failing to appear, the Lords do suspend the letters.

Decree against James Henderson for debt.

Complaint by Jonet Cokburne, relict of James Wood, portioner of Bonytoun, that James Hendirsoun on the north side of the Brig of Leith remains unrelaxed from a horning of 12th instant for not paying her £92, 10s. as principal and £20 for expenses.—Complainer appearing by William Wood, her son, defender, not appearing, is to be apprehended
Page 665. by the Captain of the Guard, and his goods inventoried.

Decree against Andrew Haitlie for not obeying a precept of removal.

Complaint by Mark, Earl of Lowthiane, that Andro Haitlie in Sneip remains unrelaxed from a horning of 25th November 1606 for not flitting from the four husbandlands with the two cotlands of Nanethorne, lying within the bailiary of Lawderdale and the shire of Beruik.—
Page 666. Complainer appearing by Johnne Young, decree as above against defender.

Suspension of horning against John Watson.

Complaint by Johnne Watsoun in Brackmondmill, that he is charged, by letters raised by David Dick in Pursk, and Robert and Alexander Dickis, his sons, to find caution, under pain of rebellion, in £500 for their indemnity. As complainer is but a labourer of the ground, not worth 100 merks, he is liable only in £40; and, as he has nevertheless found caution as required, the said letters should be suspended.—Complainer appearing,
Page 667. but none of defenders, the Lords do suspend the said letters.

Archibald Wauchop against Archibald Kerr for suspension of horning.

Complaint by Archibald Wauchop, son of Archibald Wauchop in Dudingstoun, as follows:—For his non-compearance to answer for alleged assault on Robert Ker (vol. vii. p. 420) he had been decerned to enter in ward in the tolbooth of Edinburgh; and, for his disobedience, he has been put to the horn. Now, he had not been lawfully charged to answer, and, if he had, he would have appeared and justified his innocence. Moreover, the tolbooth of Edinburgh having been "this lang tyme bygane visite with the plague of pestilence," and sundry persons having "deid thairin," he

could not without hazard enter the said ward. Therefore, and as he had found caution to answer this day, the said letters should be suspended.— Both parties appearing, the Lords do suspend the said letters, but ordain complainer to be committed to ward in the said tolbooth according to the first charge. Acta 1607-8. Page 668.

To denounce George Mouat for carrying firearms and for unprovoked assault.

Complaint by Sir Thomas Hammiltoun for his Majesty's interest, and by Donald Keith, servitor to Alexander Coupland of Udauch, and the said Alexander as his master, that, upon 8th October last, while the said Donald was attending the market in the town of Torray, George Mowat, apparent of Songhie, came with others, all armed with swords, gauntlets, plate sleeves, hagbuts, and pistolets, to the said town, put violent hands in him, assaulted him with a horse bridle, and left him for dead. Further, through May, June, July, August, September, and October last, the said Mowat wore hagbuts and pistolets almost daily.—The Advocate appearing, defender, for not appearing, is to be denounced rebel. Page 669.

26th January.

Sederunt—Angus; Mairshall; Mar; Caithnes; Mortoun; Lowthiane; Tullibardin; President; Scone; Halyruidhous; Master of Lowthiane; Master of Elphinstoun; Quhittinghame; Brintiland; Advocate; Justice Clerk; Privy Seal; Collector; Foistersait; Sir Lues Craig; Sir Johnne Arnott; Sir Alexander Drummond; Sir James Hay; Sir Michaell Elphinstoun; Mr William Hairt; Elimosinar.

Warrant to commissioners for the ore to be sent into England from the silver mines of Hilderstone to weigh the said ore by the English troy weight.

Thomas Achesoun, master coiner, and Thomas Foullis and George Foullis, goldsmiths, burgesses of Edinburgh, three of those directed to the silver mines of Hilderstoun, to see the ore dug out of the said mines by his Majesty's commissioners weighed and barrelled (*ante*, p. 22), appear and represent to the Council that, as the said commissioners intend to weigh the ore by the English weight called avoirdupois, "in respect, as they affermed, that the tunne in England is not utherwyse weyed," and as they (Achesoun and his colleagues) had no warrant to allow this, they had "aggreit to returne" for instructions in the matter.—His Majesty's said commissioners having, accordingly, been requested to appear, and Mr Edmond Doubledae, Mr Johnne Broad, and Johnne and James Achesonis, four of his Majesty's commissioners foresaid, now attending and declaring that, albeit they craved avoirdupois in respect that no wares are bought or sold in England by the ton otherwise than by that weight, yet they would accept any other prescribed, on condition of receiving an Act for their exoneration in so doing, the Lords, having heard all that was alleged by any of the said commissioners concerning the Scottish and English weights and the differences between the English avoirdupois and the English troy, and being informed that the assays taken in Lundone by his Majesty's directions are made according to the troy weight English,—"quhilk is the goldsmythis ordinair weyght and most proper for weying and trying of ures and mettallis,"—ordain that the said ores and metals, "bettir and worse as thay ar wonne furth of the vayne," shall be weighed and bar- Page 670.

Acta 1607–8. relled by the said commissioners according to the troy weight of England, and that the said commissioners shall have an Act of Council for their warrant thereanent.

Page 671. The assurances between Patrik Maxwell of Newark and Johnne Maxwell of Stanelie, on the one part, and Robert Montgomerie of Skelmurlie, on the other part, being now expired, there is order to charge both parties, under pain of rebellion, to subscribe new assurances, to endure till 1st January 1609, and to find caution for the keeping the same inviolate, within six days after the charge. Charge for renewed assurance between Maxwell of Newark and Montgomery of Skelmorlie.

Sederunt—Chancellor; Angus; Marschall; Mar; Mortoun; Lowtheane; Perth; Tullibardin; Master of Lowtheane; Master of Elphinstoun; President; Scone; Blantyre; Halyruidhouse; Quhittingbame; Justice Clerk; Privy Seal; Advocate; Collector; Murdocairnie; Preistfield; Mr Petir Rollok; Foistersait; Sir Alexander Drummond; Sir James Sandielandis; Mr William Hairt; Sir Petir Young; Sir Johnne Arnote.[1] Edinburgh, 28th January.

James, Earl of Perth, and Sir Andro Murray of Balvaird, appearing, give their oath of allegiance. Perth and Balvaird.

According to warrant signed by the King, and dated at Quhythall, 1st instant (see it among *Royal and Other Letters*), Sir Andro Murray of Balvaird is admitted as one of the Privy Council, and, being present, gives his oath *in communi forma*. Balvaird admitted of Council.

Page 672. The following letter signed by the King, dated at Roistoun 18th October 1607, and addressed to the Earl of Dunfermling, Chancellor, and the other Lords of Secret Council, is presented to the said Lords:—"James R. Right trustie and weilbelovit cousingis and counsellouris, we grete you weill: Whereas, before oure comeing furth of that kingdome, upoun suite maid to us for sum supplie to the re-edifeing of the bridge of St Johnnstoun, we war pleasit to grant to that burgh, who did undirtak that worke, a speciall warrand of exemptioun frome all taxtis and subsidies for certane yearis to come, and as we wald be loath that that burgh sould injoy any suche favour without ther wer liclyhoode of thair intentioun to perfyte that worke, so, gif thay do intend to accomplische the same, we wilbe unwilling to retrinche or recall bak ony pairt of oure former intendit liberalitie. And thairfore oure pleasour and will is that you sall gif commissioun to the Lordis Balmerinoch and Scone to tak tryall anent the building of that bridge; and, gif in thair reporte bak thay do certifie yow that they find the toun of Perth doing thair diligence, and that thair is hoip of the doing and fullie accomplischeing of the fabrick of that bridge, than we wald haif you to allow of that oure former warrand granted for thair exemptioun frome all subsidies, and to dischairge oure collectour of this lait taxatioun of all troubling and chairgeing of thame thairfore, bot they Act in terms of a Royal Letter renewing the exemption of the burgh of Perth from payment of taxation, in respect of the re-building their bridge.

[1] In the corresponding sederunt in the *Book of Sederunts* (Fol. 57, b) the Master of Lowtheane and the Master of Elphinstoun do not appear.

to have libertie to reteyne the same in thair awne handis for the furdering and helping fordwart of the wark of thair said wark [?bridge]."—Accordingly, the Lords, having heard the report of James, Lord of Balmerinoch, and David, Lord of Scone, bearing that the inhabitants of the said burgh "ar doing thair diligence," and have already "almaist perfytit twa pilleris," and that there is a "verie grite likliehood" of the full accomplishing of the work, confirm the exemption granted to the said burgh from payment of all taxations, and ordain the sums consigned by the magistrates of the burgh for their parts of the first term's payment of the late taxation granted in the Parliament held at Perth in July 1606 to be given up again to them by the persons in whose hands they were consigned. Acta 1607-8. Page 673.

Hamilton, younger of Bathgate, and Lawson of Boghall.

Hammiltoun, fiar of Bathcat, having been omitted in the assurance between the Lairds of Bathcat and Boghall (*ante*, p. 38), there is order to charge Lawsoun of Boghall and the younger Hammiltoun to assure one another till 1st January 1609, and to find caution, each in £2000, for keeping the assurance inviolate, under pain of rebellion.

Suspension of horning against David Dick.

Complaint by David Dick in Pursk, that he is charged, under pain of rebellion, by letters raised by Johnne Watsoun in Braikmont, to find caution in £500 for his indemnity. As Watsoun will not make faith that he dreads harm of complainer, and as complainer, being but a poor labourer of the ground, cannot be legally burdened with more than £40, and as nevertheless he has found caution as charged, the said letters should be suspended.—Complainer appearing by David Fergus, but defender not appearing, the Lords do suspend the letters, and modify the pain to £100. Page 674.

Decree against David Rossy and others for debt.

Complaint by James Gairdin of Dunbarro, that David Rossy of that Ilk, and Patrick Rossie, his son, as principals, and Johne Ogilvie in Stanelaw and David Allane in the Mains of Rossy, as sureties, remain unrelaxed from a horning of 20th October last for not paying him £4 for each boll of five chalders four bolls three firlots victual, assigned to him by William Rait of Halgrene, and the late Robert Rait, his son.—Complainer appearing personally, defenders, for not appearing, are to be apprehended by the Captain of the Guard, and their goods inventoried for his Majesty's use. Page 675.

Suspension of horning against Magnus Mouat.

Complaint by Magnus Mowat of Balquhalie, that he is charged, by letters raised by Patrick Con of Auchry, and Elizabeth Auchinleck, relict of Patrik Coupland of Udauch, to find caution, under pain of rebellion, in 2000 merks for their indemnity. Now, upon 25th July last, complainer had found them caution of lawburrows in 1000 merks, as a minute of the same subscribed by Adam Couper, one of the clerks of Council and Session, bears. Farther, as he is but "ane mean gentilman," not liable to be charged in more than the said 1000 merks, and as nevertheless he has found caution as charged, the said letters ought to be suspended.—Complainer appearing by Mr Roger Mowat, but defenders failing to appear, the Lords do suspend the said letters. Page 676. Page 677.

Decree against James Futhie

Complaint by Robert Montgomerie in Haltoun, that James Futhie of Goynd remains unrelaxed from a horning of 11th instant for not relieving

Acta 1607–8. complainer, as cautioner for him at the hands of Patrik Guthrie of Pit- for not relieving his cautioner.
mowis, and Mr David Ogilvy, his son-in-law, of a debt of 500 merks, with
Page 678. 200 merks "as failyie" in case of non-payment.—Complainer appearing personally, defender, not appearing, is to be apprehended by the Captain of the Guard, and his goods inventoried.

Complaint by William Smyth, servitor to Sir Johnne Skene of Currie- Decree against William Mowbray and his spouse for debt.
hill, that William Mowbray, apparent of Croftangrie, and Margaret Mowbray, his spouse, remain unrelaxed from a horning of 21st December last for not paying him 100 merks as principal and £20 for expenses.—
Page 679, Complainer appearing personally, decree as above against defender for not appearing.

Complaint by Mr Patrick Lindsay in Kingsbarns, that James Leirmonth Decree against Learmonth of Dairsie and Paterson of Hiltarvet for debt.
of Dairsie, as principal, and Sir Andro Balfoure of Montquhany and Mr Andro Patirsoun of Hiltarvet, as sureties, remain unrelaxed from hornings of 2nd and 3rd December last for not paying him, as assignee to David Lundy, brother of the late Mr William Lundy of that Ilk, 3000 merks as principal and 300 merks for expenses.—Charge had been given to
Page 680. Leirmonth and Patirsoun to answer; and now, complainer appearing personally, there is decree as above against defenders for not appearing.

Complaint by Sir Johnne Henrysoun of Fordell, and Agnes Balfoure, Decree against Robert Drummond for non-fulfilment of a contract.
his spouse, that James Abircrumby, fiar of Kersie, and Robert Drummond in Doill of Carnok, remain unrelaxed from a horning of 7th June last for not redeeming from complainers an annualrent of 400 merks by paying them 4000 merks, conform to a contract of date 11th June 1599, together with the byrun annuals.—Charge had been given to Drummond to answer;
Page 681. and now, Sir Johne appearing, there is decree as above against defender for not appearing.

Complaint by Alexander and Robert Dickis, sons of David Dick in Suspension of horning against Alexander and Robert Dick.
Pursk, that they have lately been charged by letters raised by Johnne Watsoun of Brakmonth to find caution in £500 each for his indemnity. Now, the said letters should be suspended, because (1) their said father found caution for defender's indemnity, and, as they are yet in household with their father, they cannot be held to find separate caution, (2) the pains are "altogidder disconforme to the Acts of Parliament," and (3)
Page 682. they have already found caution as charged.—Complainers appearing by David Fergus, but defender failing to appear, the Lords do suspend the said letters and modify the sum to £100.

The Lords assign to William, Earl of Mortoun, who is present, 18th The Earl of Morton to enter one of his men.
February next for the entry before the Council of Johnne Grahame, called Jak of Dryfe, whom the said Earl acknowledges to be his man, tenant, and servant, to answer to a complaint made against him by James M°Math in Knokhair touching his alleged lying at the horn for his non-compearance before the justice in the tolbooth of Edinburgh, to underlie the laws for the alleged theft from M°Math of four score and ten sheep furth of the lands of Barturk.

Edinburgh, 2nd February.

Sederunt—Chancellor; Mar; Cassillis; Murray; Home; Perth; Tullibardin; President; Scone; Blantyre; Halyruidhouse; Torphecin; Edzell; Master of Elphingstoun; Privy Seal; Bruntiland; Advocate; Collector; Preistfield; Balvaird; Sir Alexander Drummond; Sir Johne Arnot; Sir Petir Young; Sir James Sandielandis. Acta 1607–8.

Earl of Home.

Alexander, Earl of Home, appearing, gives his oath of allegiance, as by Act of 2nd June last (vol. vii. p. 375). Page 684.

Certificate of the weights of 38 barrels of ore dug out of the silver mines of Hilderstone Hill by his Majesty's commissioners.

Sir Bewys Bulmour, Edmond Doubleday, Johnne Achesoun, James Achesoun, George Cunynghame, and Johne Brode, commissioners appointed by his Majesty for digging ten tons of ore furth of the mines of Hilderstoun Hill, certify that they have weighed and barrelled, in presence of Thomas Achesoun, master coiner, and Thomas Foullis and George Foullis, goldsmiths in Edinburgh, as having power of the Privy Council to that effect, 38 barrells of ore, of the weights following in English troy (*ante*, p. 40), and have delivered the said 38 barrels to Sir Johnne Arnot of Berswick, treasurer-depute:—

No.	Weight of Barrel.	Weight of Ore and Barrel.	No.	Weight of Barrel.	Weight of Ore and Barrel.
1	30 lbs.	520 lbs.	20	31 lbs.	585 lbs.
2	29 „	538 „	21	33 „	575 „
3	30 „	635 „	22	30 „	546 „
4	29 „	620 „	23	30 „	550 „
5	30 „	635 „	24	34 „	625 „
6	29 „	613 „	25	32 „	550 „
7	33 „	645 „	26	33 „	525 „
8	30 „	655 „	27	31 „	510 „
9	29 „	635 „	28	31 „	500 „
10	29 „	670 „	29	35 „	545 „
11	30 „	585 „	30	32 „	525 „
12	30 „	585 „	31	25 „	455 „
13	30 „	630 „	32	33 „	495 „
14	30 „	605 „	33	30 „	485 „
15	31 „	610 „	34	35 „	475 „
16	34 „	568 „	35	30 „	495 „
17	30 „	533 „	36	30 „	545 „
18	32 „	585 „	37	32 „	525 „
19	26 „	492 „	38	33 „	525 „

Total weight of the 38 barrels 1171 lbs., and total weight of the ore and metals, "sparre and stone," contained in them 20,224 lbs., troy weight of England. The certificate is subscribed by his Majesty's said commissioners at the foresaid mines, 1st February. Page 685.

Commission for assaying the said silver ore.

Commission to Alexander, Earl of Dunfermling, Johnne, Earl of Mar, James, Lord of Balmerinoch, Walter, Lord of Blantyre, Johnne, Lord Halyruidhouse, Sir Thomas Hammiltoun of Bynnie, advocate, and Mr Johnne

Acta 1607–8. Prestoun of Pennycuke, collector, or any four or five of them, to cause the aforesaid ore to be melted and fined, and "assay tane thairof, als wele in particulair parcellis as of the haill massis."

Wages for the men keeping Lord Maxwell's houses.

As the Act of 31st December last, authorising Sir William Cranstoun to uplift so much of the rents of Lord Maxwell as should be necessary for entertaining the ten men placed in each of his castles, Carlaverok, Page 686. Lochmaben, and Langholme, for keeping of the same, contains no particular allowance for each of the said men (*ante*, p. 29), the Lords modify to each 13s. 4d. daily for wages and for providing powder and bullet, and ordain the same to be paid them daily, with commencement from the first day of their entry in the said houses, which was January last.

Registration of Royal Letter anent the tack of the teinds of Kinfauns.

David, Lord of Scone, comptroller, presents for registration the following letter, signed by his Majesty, and dated at Theobaldis 13th July 1607:—"James R.:—Whereas ane tak of the teynd shaveis of Kinfawnis, whereunto kyndnes and ryght wes acclaymed boith by Sir Harie Lindsay of Kinfawnis, kyncht, and als by Patrik Eviot, being consigned at our command in the handis of oure trustie and weil-belovit cousing and counsellour, David, Lord Scone, comptroller of our rentis in oure kingdome of Scotland, ay and quhill that questioun betwix these two contradictouris sould be tryed; and since thair is nothing as yit done thairin and that we have sensyne disponed the erectioun of the abbacie of Scone, of the whiche these teyndis ar a parcell, to the said David, Lord Scone; and we being unwilling to defraud him of ony pairt of that oure frie graunte, bot mynding that the same sould be in all sortis beneficiall to him: we haif thairfore licenced him to cancell and destroy that tak consigned in his handis, and to mak his benefite and gayne of those teyndis as he sall do of ony uther pairt of that his erectioun. Whereanent these presentis salbe warrand sufficient."

To denounce Lord Herries and certain others.

Page 687. Johne, Lord Hereis, William and Edward Maxwellis, his brothers, Robert and James Maxwellis, brothers of Johnne, Lord Maxwell, William Maxwell of Kilbayne, and Andro Roresoun of Bardannoch, failing to appear this day, as charged, and to find caution not to reset or intercommune with Lord Maxwell and Robert Maxwell of Dinwiddy, rebels (*ante*, p. 28), are to be put to the horn.

Edinburgh, 4th February.

Sederunt—Chancellor; Cassillis; Murray; Perth; Tullibardin; Balmerinoch; Blantyre; Scone; Master of Elphinstoun[1]; Edzell; Bruntiland; Justice Clerk; Privy Seal; Advocate; Collector; Clerk of Register; Sir James Hay; Balvaird; Preistfeild; Foistersait; Sir Alexander Drummond; Sir Johnne Arnot; Mr William Hairt.

Decree against Michael Scott for debt.

Page 688. Complaint by Johne Robertsoun, son of Stephane Robertsoun in Cassindeid, that Michaell Scot, portioner of Auchtermuchtie, remains unrelaxed

[1] In the corresponding sederunt in the *Book of Sederunts* (1598–1609, Fol. 57, b) the Master of Elphinstoun is not recorded.

from a horning of 22nd January last for not paying him 390 merks.— Acta 1607-8. Complainer appearing by Archibald Douglas, defender, not appearing, is to be apprehended by the Captain of the Guard, and his goods inventoried for the King's use.

Suspension of horning against Alexander Kincraigy.

Complaint by Alexander Kincragy of Haltounhill, that he is denounced rebel by letters raised by James Leslie, fiar of Otterstoun, Patrik Broun, his servant, Robert Dumbar and David Bennet, servitors to Patrik, Lord of Lendoris, for not finding caution in 1000 merks for their indemnity. As he never heard of the charge till after the denunciation, and as he has Page 689. now found caution as required, and also for payment of £40 to the Treasurer for his escheat, in case it shall be found that he is outwith the regality of Lendores, the said letters ought to be suspended.—Complainer appearing by Mr Thomas Mawir, advocate, but none of defenders appearing, the Lords do suspend the said letters.

Bessie Cairnduff against John Steel and his sons for assault. Decree of absolvitor.

Complaint by Bessie Carneduff, and Mathew Thomesoun in Rylandsyde, her spouse, that, upon 22nd September last, while the said Bessie was going on the highway between the town of Straithavin and her own house Page 690. in Rylandsyde, Johnne Steill in Brakanrig, and his two sons James and William, forgathering with her, "pat violent handis in hir, rashed hir to the ground, preissing till have forcet and had ado with hir," and, "persaveing they could not obtene that thair wicked and filthy interpryse," gave her "mony bauch and bla straikis" with their feet and fists, pursued her for her life with drawn whingers, and wounded her in the arm.—Thomesoun and defenders appearing, the Lords assoilzie the defenders, because complainer has failed in his proof.

Order for payment of taxations now due.

The second term's payment of the taxation granted at Perth in July Page 691. 1606 having been appointed to be made to James Hay of Kingask upon 1st instant (1606, c. 18, iv. p. 289), and the taxation granted for "supporte of Dunbartane" in the Parliament held at Edinburgh in August last having been ordained to be paid to Thomas Fallisdaill, bailie of the said burgh, and Johnne Semple of Corruth, burgess thereof, also on the day foresaid (1607, c. 15, iv. p. 376), there is order to charge all persons indebted in payment of any part of the said taxations to pay the same to the said collectors within fifteen days after the charge, under pain of rebellion.

To denounce Ninian and John Fergusson for assault and violence.

Complaint by John M°Kinney in Little Dempstertoun, as follows:— Upon 8th November last, Niniane Fergusoun in Knokauchy, and Johnne Fergusoun, called the goodman of Blaikistoun, with others, came at night to complainer's house, lured him forth "undir a pretext of freyndschip," and then with drawn whingers "maist fearslie" set on him, and gave him "tua deidlie woundis, the ane in his schoulder and the uther in his body," Page 692. so leaving him for dead. They then leapt on their horses and "over-raid the said complenairis spous and bairnis, trade thame undir thair horse feit, and sua birsit the said complenairis said spous that scho is yit lyand bed-fast."—Complainer appearing, but none of the defenders, the order is to denounce them rebels.

Acta 1607–8. Complaint by Mr Petir Prymrois, minister at Mauchlene, that James, Commendator of Melrois, remains unrelaxed from a horning of 15th October last for not paying him for certain specified years the sums assigned to him in stipend furth of the thirds of the said abbacy.—Com- Page 693. plainer appearing by Archibald Douglas, defender, not appearing, is to be apprehended by the Captain of the Guard, and his goods inventoried for the King's use.—Decree at the instance of Mr Johnne Inglis, minister Page 694. at Uchiltrie, against the same defender, to the same effect and for the same reason. Decrees against the abbot of Melrose for non-payment of ministers' dues.

Complaint by William Allerdes, portioner of Kincraigie, as follows:—He is denounced rebel by letters raised by Waltir Duncane at the West Mill of Stramiglo for not appearing to answer touching his alleged coming at night to the house of the said Waltir, entering therein to bereave him of his life, and wounding his spouse. Now, between the day of the execution of the charge against the complainer and the day appointed for his appearing, the action between them had been amicably settled through the intervention of friends, as a certificate subscribed by Mr Balcanquell, minister at Stramiglo, and Johnne Lyell, notary, Page 695. bears. Therefore, and because he had found caution in 500 merks to answer this day, and also to pay to the Treasurer £40 for his escheat, the said letters should be suspended.—Complainer appearing, but not defender, the Lords do suspend the said letters. Suspension of horning against William Allardice.

Andro Horsburgh, failing to appear this day to answer for refusing to keep inviolate the assurance given by his father, Alexander Horsburgh of that Ilk, to the parson of Peblis (*ante*, p. 38), is to be denounced rebel. To denounce Andrew Horsburgh.

Page 696. Complaint by Johnne M^cClellane in Dalskarth, as master, and Johnne M^cIlduff, his servitor, that, in August last, while M^cIlduff was attending his master's cattle on the lands of Darskarth, Johnne Greirsoun, younger in Wodheid, armed with sword and gauntlet, came at night to the said servitor, and, "without any just caus of offence," gave him "ane deidlie straik sevin inche lang undir the left schoulder," and left him "lyand upoun the ground for deid."—Complainers appearing personally, defender, not appearing, is to be denounced rebel. To denounce John Grierson for assault.

Complaint by James Pringle, apparent of Buckholme, that Sir Robert Scot of Thirlestane remains unrelaxed from a horning of 1st July last for Page 697. not paying him £100, incurred by him as surety for James Stewart of Tynnes.—Complainer appearing by James Pringle, defender, not appearing, is to be apprehended by the Captain of the Guard, and his goods inventoried for the King's use. Warrant to apprehend Sir Robert Scott at the instance of James Pringle.

Sederunt—Chancellor; Mar; Mairshall; Cassillis; Mortoun; Wyntoun; Perth; Lowthiane; Tullibardin; President; Scone; Blantyre; Halyruidhouse; Master of Elphinstoun; Edzell; Quhittinghame; Justice Clerk; Privy Seal; Advocate; Collector; Bruntiland; Mr Petir Rollok; Balvaird; Clerk of Register; Sir Michaell Edinburgh, 9th February.

Elphinstoun; Foistersait; Sir Alexander Drummond; Sir Lues Craig; Sir Johnne Arnot; Sir Petir Young. Acta 1607–8.

Warrant for pursuit of Lord Maxwell and Maxwell of Dinwiddie.

As, notwithstanding the proclamations for the apprehension of Johnne, Lord Maxwell, and Robert Maxwell of Dynwiddie (*ante*, p. 19, p. 28–9), the said rebels travel "avowedlie through the cuntrey accumpanyit oftymes with twenty horses," the Lords, according to warrant in writing sent to them from the King (see Royal Letter of 2nd February 1608) ordain David, Lord of Scone, captain of the guard, to send the whole company of the guard, as soon as possible, under the charge of their Lieutenant, to the burgh of Drumfreis to apprehend the said rebels, or to put them furth of the country, and command the said Guard, and the garrison under Sir Williame Cranston's charge, to co-operate in this service. Page 698.

Proclamation against eating flesh in the time of Lent.

As the laws against eating flesh in Lent have of late been "avowedlie and manifestlie" neglected, so that, "by the frequent slauchter of young bestiall and of foullis in this unseasonable tyme of yeir, not onlie half thay bene scant all the rest of the yeir, bot the prices of the same hes bene verie extraordinairlie heichted," there is order to charge all and sundry, of whatever estate or degree, by open proclamation at the market cross at Edinburgh and other places needful, not to eat flesh from 10th February to Pasch next, under the pains contained in the Acts of Parliament, with charge also to hostlers, common cooks, and fleshers, not to slay or make ready any flesh during this forbidden time, and to magistrates to take "diligent inquisitioun" in the matter and notify the names of offenders to his Majesty's Treasurer. Page 699.

Edinburgh, 11th February.

Sederunt—Chancellor; Angus; Cassillis; Caithnes; Kinghorne; Lowthiane; Tullibardin; Balmerinoch; Blantyre; Halyruidhouse; Quhitinghame; Bruntiland; Master of Lowthiane; Master of Elphinstoun; Justice Clerk; Privy Seal; Advocate; Collector; Clerk of Register; Sir Alexander Drummond; Foistersait; Sir Lues Craig; Mr Petir Rollok; Sir James Hay; Sir Johnne Arnot; Sir Petir Young.

Charge for renewed assurances between Maxwell of Calderwood and Maxwell of Newark.

The assurances between Sir James Maxwell of Calderwood, Alexander Lindsay of Dunrod, James Hammiltoun of Stanehouse, William Maxwell of Newlandis, Johnne Maxwell in Jaktoun, James Maxwell there, James Wauchop there, James Maxwell of Hilheid of Over Kirktoun, and Adam Bruce in Skellietoun, on the one part, and Patrick Maxwell of Newwark, James Cunynghame of Glengarnok, James Schaw of Grenok, Johnne Crawfurd of Culburny, Patrik Hepburne of Ricardtoun, Robert Leckie, elder of , Robert Leckie of Kepdarroch, his son, and James Leckie, also his son, Murdo Leckie of Croy, Waltir Leckie of Boquhan, William Leckie, son of late Robert Leckie at the Kirk of Kippen, James Leckie at the burn of Boquhan, brother of the late old Laird of Leckie, Alexander Leckie in Drumkippen, Adam Cunynghame, son of the Laird of Auchin- Page 700.

Acta 1607-8. hervie, William Porterfeild of that Ilk, and Alexander Porterfeild, his son, on the other part, being now almost expired, there is order to charge both parties, under pain of rebellion, to subscribe, within twelve hours after the charge, new assurances to one another, to endure till 1st March 1609.

Decree against Alexander Dunbar and others for debt.

Complaint by Gavin Dumbar of Baldone, that Alexander Dumbar of Egirnes, as principal, and Alexander Ahannay of Sorbie and Johnne Gowyne of Sheoch, as cautioners for him, remain unrelaxed from hornings of 14th and 21st July last for not paying him, as assignee to dame Elizabeth Mure, Lady Mochrum, elder, certain sums of money, as principal,

Page 701. penalty, and expenses.—Complainer appearing by Sir Johnne Vans of Longcastell, defenders, not appearing, are to be apprehended by the Captain of the Guard, and their goods inventoried for the King's use.

Decree against Nathaniel Keith for debt.

Complaint by Margaret Keith, daughter of the late William Keith of Ludquharn, that Nathaniell Keith, son of William Keith of Ludquharne, remains unrelaxed from a horning of 22nd April last for not paying her 5000 merks as her part of 10,000 merks specified in his letters of obligation.—Complainer appearing by Archibald Douglas, decree as above

Page 702. against defender for not appearing.

Decree against Traill of Blebo for debt.

Complaint by Annas Drummond, daughter of Robert Drummond, citizen in Dumblane, and Patrick Hervie, now her spouse, that Johnne Traill of Blebo remains unrelaxed from a horning of 2nd February instant for not paying them 2000 merks as principal and 100 merks for expenses. —Hervie appearing, decree as above against defender for not appearing.

Decree against James Stewart for debt.

Complaint by Sir James Saudielandis of Slomanns, and dame Barbara

Page 703. Napier, his spouse, that James Stewart in Strabrok remains unrelaxed from a horning of 11th April 1607 for not, as surety for the late Archibald Seytoun, paying them five chalders of victual, half bear half oatmeal, due for their part of the lands of Levingstoun for the years 1605 and 1606.— Complainers appearing by Johnne Young, decree as above against defender.

Decree against Earl Marischal and others for debt.

Complaint by George Fawsyde, younger, and Catherine Howisoun, his spouse, that George, Earl Marschaill, as principal, and James Stewart, portioner of Strabrok, Mr George Fraser in Edinburgh, and Alexander Home, bailie in Keith, remain unrelaxed from a horning of 12th July last for not paying them 1200 merks as principal and 300 merks for expenses.

Page 704. —Charge had been given to the defenders, except to Stewart, to answer; and now, pursuers appearing by Andro Lowthiane, there is decree as above against defenders for not appearing.

Edinburgh, 16th February.

Sederunt—Cassillis; Kinghorne; Tullibardin; Bishop of Glasgow; Bishop of Abirdene; Bishop of Murray; President; Scone; Blantyre; Master of Elphingstoun; Bruntiland; Edzell; Privy Seal; Advocate; Sir Alexander Drummond; Preistfeild; Sir Johnne Arnot.

Charge to Hamilton of

There being "a verie grite heit" between Robert Hammiltoun, elder of Bathcat, and Hammilton, his son and apparent heir, on the one

EDINBURGH PUBLIC LIBRARIES CENTRAL

Bathgate and Lawson of Boghall.

side, and Sir Lawsoun of Boghall, on the other, there is order to charge both parties to appear before the Council on 23rd instant to underlie such order as shall be given them. Acta 1607–8. Page 705.

Decree against the Magistrates of Kirkcudbright for not detaining certain debtors in strict ward.

Complaint by Robert Mure, merchant, burgess of Glasgow, as follows:—Upon 3rd October last, Thomas Hall, Robert Lyntoun, and James Lyntoun, burgesses of Kirkcudbricht, had been put to the horn for not paying him certain sums of money. Complainer had thereupon obtained letters of caption, and therewith charged Robert Hall and William Foullair, bailies of Kirkcudbricht, to apprehend the said rebels and commit them to their tolbooth. But, albeit "for ane cullourit schaw of obedyence" the said bailies had put the said persons in ward, yet they suffer them to repair at all times to their own houses, so that in effect they are at free ward.—Charge had been given to Sir Robert M^cClellane of Bomby, provost, and the said Robert Hall, to answer; and now, pursuer appearing by William Andirsoun, and defenders appearing personally, the Lords decern defenders to enter the said rebels in the tolbooth of Edinburgh by 8th March next, under pain of rebellion. Page 706.

Edinburgh, 18th February.[1]

Sederunt—Angus; Cassillis; Kinghorne; Perth; Lowtheane; Bishop of St Androis; Bishop of Abirdene; Bishop of Murray; Saltoun; Balmerinoch; Halyruidhouse; Scone; Master of Lowthiane; Master of Elphinstoun; Edzell; Advocate; Justice Clerk; Privy Seal; Constable of Dundie; Quhittinghame; Kilsyth; Mr Petir Rollok; Sir Alexander Drummond; Logy; Preistfeild; Balvaird; Sir Johnne Arnot; Clerk of Register; Sir Petir Young.

Warrant for the apprehension of Gordon of Newton and Gordon of Gight.

Johnne Gordoun of Newtoun and George Gordoun of Geycht, having been excommunicated for not "subscryving the articlis of religioun, and

[1] On the day preceding this, viz. 17th February 1608, Calderwood notes (vi. 702), there had been a meeting of the Commissioners of the General Assembly, with the Bishops as their leaders, "to hold their consultations, and to advise upon directions to Court and from Court." This gives us a glimpse of the manner in which Church affairs were managed during the long interval of the abeyance of regular General Assemblies. It had been the custom of each General Assembly before dispersing to appoint a certain number of its members as Commissioners to attend to the interests of the Kirk, and do whatever might be necessary, in the name and by authority of the Assembly, till the next Assembly should meet and relieve them of the charge. According to this custom, the General Assembly which had met in Holyroodhouse in November 1602, a few months before the King's departure into England, and which was the last General Assembly recognised as regular, had appointed twenty-three clergymen to act, along with Commissioners representing his Majesty, as plenipotentiaries for the Kirk till the next General Assembly, nine to be a quorum. More than five years had elapsed since then; during which time there had been no regular General Assembly, but only the irregular ecclesiastical convention at Linlithgow in December 1606 for the King's scheme of the constant moderatorships, &c. If that had been a legitimate General Assembly, as the King had always since assumed it to be, then, according to Calderwood, the powers of the Commissioners appointed in 1602 had ceased at the end of 1606. What he wants to point out, however, is that those old Commissioners,—the chiefs of whom, such as Gledstanes, Spotswood, Law, and others, had meanwhile risen to be Archbishops and Bishops,—were still acting as the governing body of the Church, holding periodical meetings, calling ministers of Presbyterian principles before them for censure, corresponding with the King, and taking his instructions.

Acta 1607-8. communicating, conforme to the ordour of the Kirk," and having been afterwards denounced for not satisfying the said sentence of excommunication, have remained a long time unrelaxed from the horn. There
Page 707. is order therefore for warrant to the Captain of the Guard to apprehend them and inventory their goods.

To denounce Crawford of Auchincorse and others for violence and oppression.

Complaint by Thomas Hammiltoun of Bynnie, for his Majesty's interest, and by William Cunynghame of Capringtoun, Agnes Hammiltoun, his mother, Lady Capringtoun, Daniell Cunynghame of Dalkeith, and William Cunynghame of Brounhill, as follows:—(1) Upon 20th August last George Crawfurd of Auchincorse, accompanied by William Crawfurd, his son lawful, George Crawfurd, his son natural, William and Johnne Carmichaellis, sons of William Carmichaell in Reidmyre, William Dalrumple, son of William Dalrumple in Pennyfedyoch-mill, with others, all armed with forbidden weapons, came to the lands of Brokloch, belonging to the Laird of Capringtoun, reft three score kye and oxen, and drove the same for seven miles to the Black Water between the head of Uchiltrie and Dammellingtoun, and there "verie secretlie placit the same cattell betwix twa mossis, appointing some personis to keip the saidis cattell, of purpois the nixt nycht thairefter to have causit cary the same away to some boundis quhair they mycht have convenientlie disponit upoun the same." (2) Upon 25th August last the said persons came to the said Laird's lands of Schaw and Paperhill, and there assaulted with batons divers of his tenants and "left thame for deid." (3) Upon 3rd September last the
Page 708. said persons, hearing that the Laird of Brounhill was to repair from Phaill to Capringtoun, waylaid him at Cragy, and, armed with hagbuts and pistolets, as soon as they saw him "comeand by thame in the evening," leapt on their horses and "brak at him with all thair speid, dischairgit thrie pistolletis at him, and schote him thairwith throw the cloik buist of the doublat, and alongis the left syde, and als athorte the heid." They then pursued him for two miles, and would have slain him but for the "providence of God and speid of his horse." (4) Upon 4th September last the said persons came at night to the lands of Collisfeild belonging to Dauiell Cunynghame and Lady Capringtoun, and there assaulted Robert Broun and their bowman with batons.—Sir Johne Arnot, treasurer-depute, appearing for the pursuers, defenders, not appearing, are to be denounced rebels.

Decree against James Wilson and certain other horners at the instance of Baillie of Littlegill.

Complaint by Mathew Baillie of Litilgill against the following persons for remaining unrelaxed from hornings of the following dates for not
Page 709. paying him the following sums:—viz., 20th April 1601, James Wilsoun in Bancreiff, £24, William Pringle in Freiris and Thomas Sinclair in Abirlady, £27, and James Sinclair in Bancreiff, £26, with £6 for expenses of plea equally among them, and Johne Wilsoun in Coitis, £112, with 40s. for expenses; 22nd December 1604, Robert Chancellair, fiar of Scheilhill, £300 as principal and £40 for expenses; 18th November 1605, Patrik Yule of Garmiltoun and James Hepburne in Ballincreif, 200 merks as principal and 40 merks for expenses, and Robert Weir of Halcraig, £300

as principal and £40 for expenses; 6th August 1607, James Hepburne in Bancreif, as principal, and Robert Hepburne, fiar of Fortoun, as surety, 460 merks as principal and 40 merks for expenses, and Symone Farar, as principal, and William Robesoun in Tranent, as surety, £39 as principal and £10 for expenses.—Charge had been given to the said Robert Weir, Robert Chancellair, James Wilsoun, James Sinclair, James Hepburne, William Pringle, Simone Farar, William Robesoun, Robert Hepburne, and Johnne Wilsoun to answer; and now, complainer appearing personally, defenders, not appearing, are to be apprehended by the Guard, and their goods inventoried for the King's use. Acta 1607–8. Page 710.

Decree against John MacLair and certain other horners at the instance of Janet Baillie.

Complaint by Jonet Baillie, relict of James Johnnstoun in the Nethertoun of Crawfurdjohnne, against the following persons for remaining unrelaxed from hornings of the following dates:—viz. 20th April 1601, James McClair in Prestounpanis for not paying her the price of 10 bolls of oats, with 20 merks for expenses, and Alexander Galloway in Tranent-mill and George Nicolsoun at the mill of Seytoun, for not paying her the price of 10 bolls of bear according to the Haddingtoun market, with £40 for expenses; January 1602, Johnne Thomesoun in Gullane for not paying her 35 merks as principal and 10 merks for expenses; 6th August 1607, David Sinclair in Neisbitt and Symone Mylne there for not paying her £60 as principal and 20 merks for expenses.—Charge had been given to defenders, except Nicolsoun, to answer; and now, complainer appearing by Mathew Baillie, her brother, there is decree as above against defenders. Page 711.

Decree against Robert Hamilton and other horners at the instance of Mr David Wardlaw.

Complaint by Mr David Wardlaw, son of the late Henry Wardlaw, writer, that Robert Hamiltoun, younger of Bathcat, Robert Heriot, younger of Trabroun, George Seytoun of Northrig, Mr George Wauchop, advocate, and Robert Crystie, younger, merchant, burgess of Edinburgh, remain unrelaxed from hornings of 4th and 17th June last for not paying him 1200 merks as principal and 200 merks for expenses.—Charge had been given to the first two and the last to answer; and now, complainer appearing personally, there is decree as above against defenders for not appearing. Page 712.

Decree against Rhind of Kerse and others for debt.

Complaint by Johnne Gairdin, minister at Barrie, that William Rynd of Kers, and Johnne Rynd, fiar, as principals, and William Carmichaell, burgess of Dundie, as cautioner, remain unrelaxed from a horning of 19th November last for not paying him £10, 10s. for each boll of 20 bolls of bear and 20 bolls of oats, as principal, and £100 for expenses; also that said William Rynd, as principal, and Carmichael, as surety, remain unrelaxed from a horning for not paying him £250 as principal and 100 merks for expenses.—Complainer appearing personally, decree as above against defenders. Page 713. Page 714.

Decree against Jasper Cumming, sheriff clerk of Inverness, for not relieving his cautioner.

Complaint by Donald Murray, merchant in Perth, that Jespert Cuming, burgess and sheriff clerk of Invernes, remains unrelaxed from a horning of 17th February last for not relieving him, as his cautioner, of the following debts:—£440, 16s. 8d. to Sir Johne Arnot of Berswick, treasurer-depute, and £244, 13s. 4d. to Robert Arnot, comptroller-depute, as principal sums, with £200 for expenses and £40 for the "componitour

Acta 1607-8. Page 715. of the said complenairis eschete guidis."—Complainer appearing by Mr George Bonyman, decree as above against defender for not appearing.

Protest by the Earl of Angus.

William, Earl of Angus, appears and gives in a copy of the letters raised by Johnne Tynto in Syndwood, charging him to produce this day the commission of justiciary granted to him against certain malefactors in the lordship of Dowglas and barony of Dunsyire in order to his discharge from all proceeding against Tynto for certain causes specified in the said letters.—Tynto not appearing, the Earl protests that his said commission shall be put to farther execution; and the Lords admit the protest.

Decree against Sir Alexander Jardine for debt.

Complaint by James Menzeis, stabler in Edinburgh, that Sir Alexander Jerdane of Apilgirth remains unrelaxed from a horning of 14th January last for not paying him £120, 7s., for meat, drink, straw, stable fee, and

Page 716. horse corn.—Complainer appearing personally, defender, not appearing, is to be apprehended by the Captain of the Guard, and his goods inventoried.

Decree against Dionysius Conqueror for debt.

Complaint by Mr Thomas Scott, son of the late Thomas Scott of Cambusmichaill, that Dioneis Conqueroure, elder, burgess of Perth, remains unrelaxed from hornings of 29th September and 20th January last for not accounting to him, for (1) two annualrents of 30 bolls and 10 bolls of victual, half meal half bear, intromitted with by defender for the years 1567, 1568, 1569, and 1570, (2) 400 merks as part of sums of 600 merks and 200 merks intromitted with by him in the pursuer's name for redemption of the said annualrents, with £10 and 40 as expenses of plea, (3) an annualrent of 10 merks for each 100 of 400 merks also resting

Page 717. owing for the years foresaid.—Complainer appearing personally, decree as above against defender.

Decree against Mr David Guthrie and his spouse for debt.

Complaint by Johnne Williamsoun, burgess of Montrois, that Mr David Guthrie of Hiltoun, and Abigall Barroun, his spouse, remain unrelaxed from a horning of 7th January last for not paying him £92, 1s. 2d. as principal and 50 merks for expenses.—Complainer appearing by Guthrie,

Page 718. his procurator, decree as above against defenders.

Decree against Sir Robert Grahame for debt.

Complaint by Samuell Birs, writer to the signet, that Sir Robert Grahame of Scottistoun remains unrelaxed from hornings of 2nd and 6th December last for not paying him, as assignee to George Tennent, merchant in Edinburgh, 600 merks as principal and £40 for expenses, conform to his letter of assignation dated 10th December last.—Com-

Page 719. plainer appearing by Robert Swintoun, decree as above against defender.

Decree against David Beton and others at the instance of the Treasurer-depute.

Decree as above against the following persons for remaining unrelaxed from hornings of 21st and 22nd January last at the instance of Sir Johnne Arnot, treasurer-depute, for not paying to him for his Majesty's use the sums underwritten:—David Beatoun in Aberlemno, 300 merks; Richard Hog in Farnewall, James Lyoun of Easter Ogill, and Thomas Lyoun, his brother, £40 each, as pains incurred by them for not "communicating"; George Leslie of Old Craig, and Alexander Leslie, brother of Johnne Leslie of Petcaple, as principals, and Johnne Leslie at the old mill of Crimond, as cautioner for them, £500, as pain incurred by each of the

said principals for cause set down in the letters of horning. James Clerk of Coull is also included among the persons denounced. Acta 1607-8.

Decree against Crawford of Auchincorse for debt.

Complaint by William Cunynghame of Capringtoun, that George Crawfurd of Auchincorse remains unrelaxed from a horning of 29th July last for not paying him the violent profits of the threepound land of Brokloch and Stroneskeoch from 1599 to 1606, with £20 for expenses of plea and £5 of collector silver.—Complainer appearing by Alexander Cunynghame, decree as above against defender. Page 720.

Decree against Lady Rossyth and her husband for debt.

Complaint by Robert Durie of that Ilk, that Rachell M'Gill, Lady Rossyth, and Andro Wod, her spouse, remain unrelaxed from a horning of 5th November last for not paying him 1600 merks as principal and £106, 13s. 4d. for expenses.—Complainer appearing by Alexander Dowglas, decree as above against defenders. Page 721.

Decree against John and George Maxwell at the instance of Katherine and William Wallace.

Complaint by Katherine Wallace, daughter of Johnne Wallace of Cragy, and William Wallace, younger of Ellersie, now her spouse, that Johnne Maxwell of Kirkconnell and George Maxwell of Drumcolteran remain unrelaxed from a horning of 8th February 1606 to which they had been put as cautioners for Johnne, Lord Maxwell, for not paying the pursuers 7000 merks, and for not fulfilling to them the other heads of the matrimonial contract, of date 5th December 1597, between the said Lord for himself, and for Mistress Margaret Maxwell, his sister, and his said cautioners, on the one part, and the said Laird of Cragy and late Wallace, apparent of Cragy, his son, on the other part.—Complainers appearing by William Crawfurd, decree as above against defenders. Page 722.

Robert Fulton against Robert Calderwood for assault.

Complaint by Robert Fultoun in Kirkwood that, in September last, while he was returning home about 8 or 9 o'clock at even, from the parish kirk of Stewartoun, where he had been hearing sermon, Robert Calderwood in Kilbryde, without any cause, invaded him for life, struck him with a "grite sling," and "fellit him."—Complainer appearing, but not defender, the Lords find the complaint proven, and ordain defender to be committed to ward in the tolbooth of Edinburgh. Page 723.

Thomas Kennedy and others against the Laird of Johnstone.

Complaint by Thomas, Johnne, and Robert Kennedyis that, they having obtained letters of caption against the late Johnnstoun of Lund for having cruelly slain Harbert Kennedy of Halaithis and Johnne Kennedy there, and Johnnstoun having been slain "in the apprehending," Sir James Johnstoun of Dunskellie has conceived deadly hatred against them and has often lain in wait for their lives.—Thomas Kennedy appearing for himself and the other complainers, but the Laird of Johnnestoun failing to appear, there is order to charge him, under pain of rebellion, to subscribe an assurance to the complainers, to endure till 1st January next. Page 724.

Edinburgh, 22nd February.

Sederunt—Chancellor; Mairshaill; Kinghorne; Bishop of St Androis; Bishop of Glasgow; Bishop of Orknay; Bishop of Brechin; President; Master of Elphinstoun; Justice Clerk; Privy Seal;

Acta 1607-8.

Collector; Clerk of Register; Foistersait; Sir Johnne Arnot; Mr William Hairt.

Order for trial of a culprit.

One Keith having been apprehended by the bailies of Brintiland for the slaughter of an Englishman in that burgh upon 19th instant, and direction having been given for the transport of the culprit to Edinburgh for trial, the justice clerk is ordained to put him to an assize with all convenient diligence after his transport.

Page 725.

Edinburgh, 23rd February

Sederunt—Chancellor; Abircorne; Bishop of Saint Androis; President; Lowdoun; Torphechin; Master of Elphinstoun; Constable of Dundie; Brintiland; Justice Clerk; Privy Seal; Clerk of Register; Logy; Preistfeild; Foistersait; Sir Johne Arnot; Elemosinar.

Lord Loudoun.

Hew, Lord of Lowdoun, appearing, gives his oath of allegeance as by Act of 2nd June last.

To denounce the Earl of Morton.

William, Earl of Mortoun, for neglect of a charge to appear or enter Johnne Grahame, called Jok of Dryff, before the justice in the tolbooth of Edinburgh, to answer for stealing 90 sheep from James McMath in Knokhair off the lands of Barturke, is to be denounced rebel.

Commission in favour of Sir John Skene, anent printing the *Regiam Majestatem* and other laws made before James I. and collected by Skene.

"Forsamekle as Sir Johnne Skene of Curriehill, clerk of our Soverane Lordis register, being commandit be the Kingis Majestie and Estaitis of Parliament to visit, correct, mend, and reduce in ane volume the auld lawis of this kingdome called *Regem Majestatem* and utheris actis and statutis maid afoir the dayis of King James the First of worthy memorie, quhilkis be the iniquitie of the tyme wer almaist pereissit and sa mony as wer extant onlie writtin on paper and not correct, the said Clerk of Register, efter lang panes and travellis tane be him in that busynes, at lenth brocht the same to ane perfectioun, and presentit the volume collectit and writtin be him to the Estaitis of this kingdome convenit laitlie in the Parliament
Page 726. haldin at Edinburgh in the moneth of August last. Quhilk volume being sene and considerit be the saidis Estaitis, thay not onlie allowed and authorized the same as ane worthy and memorable werk, importing the honnour, credite and estimatioun of the cuntrey and the publict weill of the leigeis thairof, bot thairwithall they ordanit the same to be imprented at the chairges of the schireffis, stewartis, baillies, baronyis, burgessis, and uther inhabitantis of this realme to whose place, office, and chairge the knawlege of the lawis and statutis of this kingdome most properlie apperteynith; lyke as the saidis Estaitis gaif pouer and commissioun to certane noblemen, barronis, and burgessis to mak ane distributioun and divisioun of the sowme and expenssis for prenting of the said Buik and to mak and set doun ane stent roll thairupoun, as in the said Act of Parliament at lenth is contenit [1607, c. 16, iv. p. 378]. And, the Kingis Majestie haveing evir sensyne expectit the perfyteing, prenting, and publischeing of the said wark, quhilk his Majestie maist earnistlie desyres to be done, his Heynes

for this effect hes recommendit unto the Lordis of his Majesteis Secrite Counsale to have a speciall cair and regaird to sie the said work advancit and set fordwart. [See Royal Letter of 2nd Feb. 1608.] And, the saidis Lordis considering that the delay of the said worke hes proceidit upoun the not convening of the saidis commissionairis to mak ane distributioun of the said sowme and to set doun ane stent roll thairupoun as said is, and thair being no grite likelihood of thair convening to this purpois, in respect of the far distance of the placeis of thair residence and the necessitie of thair awne privat adois, quhairthrow the executioun of the said Act of Parliament is lyke to be frustrat without remeid be providit,—thairfore the Lordis of Secrite Counsale gevis and grantis pouer and commissioun to James, Lord Torphechin, Sir Richard Cokburne of Clerkingtoun, knycht, lord prevey seill, Thomas Hammiltoun of Preistfeild, Sir Lues Craig of Wrichtislandis, Mr Petir Rollok of Piltoun, Sir Johne Arnot, thesaurer-depute, Mr William Hairt, and Mr George Young, archideane of St Androis, or ony foure of thame, to convene and meit quhan and quhair they sall appoint, and to concur and assist the commissionairis maid and constitute in Parliament as said is, to set doun and modifie ane sowme, and to mak ane divisioun and distributioun of the sowme abonewrittin, for prenting of the said buke and volume, and to set doun ane stent roll thairupoun amangis the personis who be the said Act ar ordanit to pay the said sowme." Acta 1607-8.

Edinburgh, 25th February.

Sederunt—Chancellor; Caithnes; Abircorne; Lowthiane; Bishop of St Androis; Balmerinoch; Lowdoun; Blantyre; Halyruidhouse; Master of Elphinstoun; Edzell; Constable of Dundie; Justice Clerk; Privy Seal; Collector; Bruntiland; Preistfeild; Foistersait; Clerk of Register; Sir Johne Arnot; Mr William Hairt.

Decree against Andrew Wood for debt.

Complaint by Williame Stewart, brother of the late Johnne, Earl of Athoill, that Andrew Wood of Drumes remains unrelaxed from a horning of 30th January last for not paying him 1250 merks as principal and 100 merks for expenses.—Complainer appearing personally, defender, not appearing, is to be apprehended by the Guard, and his goods inventoried. Page 727.

Decree against John Hamilton for debt.

Complaint by Archibald Johnnstoun, merchant in Edinburgh, that Johnne Hammiltoun, portioner of Middletoun of Strabrok, remains unrelaxed from a horning of 15th December 1607 for not paying him, as donator to the escheat of Robert Crystie, younger, merchant in Edinburgh, £162, 0s. 14d. as principal, due for merchandise furnished by the said Robert to him, with £3, 6s. 8d. for expenses of plea, and 13s. 4d. paid to the Lords' collector.—Complainer appearing by Thomas M°Quherne, decree as above against defender. Page 728.

Decree against Sir Alexander Jardine for debt.

Complaint by Archibald Johnnstoun, merchant in Edinburgh, that Sir Alexander Jerdane of Apilgirth remains unrelaxed from a horning of 8th instant for not paying him (1) 460 merks as principal and £40 for expenses, and (2) £303, 8s., as principal and £50 for expenses.—Com- Page 729.

Acta 1607–8. plainer appearing by Thomas M°Quherne, decree as above against defender.

John Graham against Alexander Cunninghame for assault.

Complaint by Johne Grahame, servitor to Robert Grahame of Gruger, that, upon 26th October last, while he was in the town of Kilmernok, Alexander Cunynghame, sometime in Rawis, at the hounding out of Edward Holmes, his brother-in-law, armed with sword, gauntlet, and platesleeves, "maist feirslie set upoun the said complenair," and with
Page 730. drawn sword wounded him in the left shoulder.—Pursuer appearing personally, defender, not appearing, is to be denounced rebel.

Charge to MacLellan of Bomby.

Robert M°Clellane of Bombye, being present, is charged, under pain of rebellion, to remain in Edinburgh till freed, and to appear before the Council on 10th March next to underlie such order as shall be given him for eschewing trouble on account of the "lait accident" between William M°Clellane, his brother, and certain of his friends, on the one part, and James Gordoun, brother of the Laird of Lochinvar, on the other part.

Charge to Gordon of Lochinvar and others.

In consequence of the "grite trouble and commotioun fallin out" on instant in the burgh of Kirkcudbrycht between the said James Gordoun and William M°Clellane, with certain of their friends on both
Page 731. sides, there is order to charge Sir Robert Gordoun of Lochinvar, the said James Gordoun, his brother, Johnne Foullartoun of Carltoun, David Arnot in Chappell, Johne Inglis at the Mill of Tongland, Robert Johnnstoun, called of Brume, M°Cartnay in Tungland, and M°Douall in Rasto, on the one part, and the said William M°Clellane, brother of Sir Robert M°Clellane of Bomby, Alexander M°Clellane of Sonnik, Johne M°Clellane of Arrymeyn, William Quhitheid at Grangemill, and Adam Moffet, servant to the said William, on the other part, to appear before the Council on 10th March next to underlie such order as shall be given them, under pain of rebellion. They are to be charged also to keep the peace while coming to Edinburgh and attending on the Council under the following pains: viz. Sir Robert and those on his side 10,000 merks, and William M°Clellane and his company 3000 merks.

To denounce William Campbell, sheriff depute of Inverness, for malversation of office.

Complaint by George, Earl of Caithnes, as follows:—William M°Coneill Galdich, *alias* M°Clerich, a notorious murderer and thief, having at last been taken in the "actuall committing of his insolenceis," had been delivered to the sheriff of Invernes, who had imprisoned him in the tolbooth of Invernes and assigned 25th August last for his trial. On that day, however, the said Earl, having by his procurators applied to William Campbell, sheriff depute, offered to prosecute the said thief, and desired
Page 732. Campbell to set his court for that purpose, conform to the laws of this realm. Yet the said Campbell not only refused, but liberated the thief.—Complainer appearing, Campbell, for neither appearing nor entering the thief, as he had been charged, is to be denounced rebel.

Decree against Richard Graham for non-redress of injury.

Complaint by Alexander Fergusoun of Ile, that Richard Grahame of Reidkirk remains unrelaxed from a horning of 7th June 1606 for not restoring him 27 kye, 10 oxen, and a grey horse, wrongously taken by Grahame from him, or paying him the prices thereof, with £40 for

expenses, and £5 paid to the Lords' collector, as by a decree of the Lords of Council dated 8th February 1606.—Complainer appearing by William Thomesoun, defender, for not appearing, is to be apprehended by the Guard. Acta 1607–8. Page 733.

Edinburgh, 1st March.

Sederunt.—Chancellor; Crawfurd; Wyntoun; Abircorne; Bishop of St Androis; President; Blantyre; Halyruidhouse; Master of Elphinstoun; Constable of Dundie; Quhittinghame; Bruntiland; Justice Clerk; Preistfield; Clerk of Register; Sir James Hay; Sir Alexander Drummond; Foistersait; Sir Johnne Arnot; Mr Petir Rollok; Sir Petir Young; Mr William Hairt.

[No record of proceedings.]

Edinburgh, 3rd March.

Sederunt.—Chancellor; Angus; Mairschaill; Wyntoun; Abircorne; Perth; Lowthiane; Bishop of St Androis; Bishop of Orknay; President; Saltoun; Blantyre; Halyruidhouse; Master of Elphingstoun; Constable of Dundie; Quhittinghame; Justice Clerk; Bruntiland; Balvaird; Sir James Hay, comptroller; Collector; Logy; Preistfield; Sir Lues Craig; Foistersait; Sir Alexander Drummond; Sir Johnne Arnot; Sir Petir Young; Mr William Hairt.

Decree against Arthur Stratton for debt.

Complaint by Johnne Stirling of Easter Brakie, that Arthour Stratoun of Craigie remains unrelaxed from a horning of 3rd February last for not paying him £460 as principal, £40 for expenses, £20 for the charge used by the commissary's precept, and £20 for the charge given to him by virtue of the letters of horning.—Complainer appearing by Archibald Dowglas, defender, not appearing, is to be apprehended by the Guard, and his goods inventoried. Page 734.

Decree against John Hamilton for debt.

Complaint by David Hammiltoun of Bothuelhauch, that Johnne Hammiltoun of Blair remains unrelaxed from a horning of 21st May 1603 for not paying him 1000 merks.—Complainer appearing personally, decree as above against defender. Page 735.

Decree against William Rutherford for assault.

Complaint by Johnne Penman, burgess of Jedburgh, that William Rutherfurd, son of James Rutherfurd, burgess there, called "the halie man," remains unrelaxed from a horning of 1st April 1606 for not answering before the Council touching the pursuit of complainer for his life with a lance and "stryking him throw the body."—Complainer appearing personally, decree as above against defender. Page 736.

Decree against James and William Learmonth of Dairsie for debt.

Complaint by David Patirsoun, burgess of Couper, and Agnes Borthuik, his spouse, that James Leirmonth of Dairsie, and William Leirmonth, apparent of Dairsie, remain unrelaxed from a horning of 6th June last for not paying them 900 merks.—Patersoun appearing, decree as above against defenders. Page 737.

Proclamation against the export of linen yarn.

As, albeit the export of linen yarn is prohibited by the laws and by a special article in the Treaty of the Union, under certain pains, yet many

Acta 1607-8. persons still transport the said yarn in great quantity, "takand the grittair bauldnes thairto be reasoun of the cairles and negligent attendance of the searcheouris and be thair oversicht and connivence," and as "impunitie is the moder of all offenssis and contempt, and frome the oversicht and negligence of inferioure officeris proceidis the libertie and bauldnes to offend," the Lords ordain charge to be given to all and sundry, including skippers and mariners, not to export hereafter any linen yarn, under the Page 738. pains contained in the laws, with charge also to the Comptroller and searchers to cause diligent attendance be given that no such yarn be exported.

Edinburgh, 8th March. Commission to Lord Ochiltree and the Bishop of the Isles.

Andro, Lord Stewart of Uchiltrie, and Andro, Bishop of the Isles, are empowered to meet with Angus M°Coneill of Dunnyvaig and Hectour M°Clayne of Dowart, confer with them anent their obedience to his Majesty, and ascertain what surety they will give to that effect. They are to report to the Council by 15th April next.

Edinburgh, 10th March.

Sederunt—Chancellor; Crawfurd; Cassillis; Caithnes; Wyntoun; Perth; Lowthiane; Tullibardin; Gray;[1] Uchiltrie; President; Scone; Blantyre; Halyruidhouse; Constable of Dundie; Edzell; Quhittinghame; Justice Clerk; Privy Seal; Myrecairny; Sir James Hay, comptroller; Clerk of Register; Collector; Bruntiland; Foistersait; Sir Lues Craig; Preistfeild; Mr Petir Rollok; Sir Alexander Drummond; Sir Johne Arnot; Sir Petir Young; Mr William Hairt.

Crawford and Gray.

David, Earl of Crawfurd, and Patrik, Lord Gray, appearing, give their oath of allegiance, as by Act of 2nd June last.

Proclamation for co-operation of Scottish fencibles with forces from Ireland in a new expedition to the North and West Isles for reducing the same to his Majesty's obedience.

"Forsamekle as the Kingis Majesteis moist royall resolutioun for reduceing of the North and West Yllis of this kingdome to a perfyte obedyence haveing, upoun necessar occasionis of utheris his Majesteis urgent and weghtie effairis, ressavit some continewatioun and delay thir yeiris bypast, whereby the rebellious and insolent personis inhabitantis within the saidis Yllis, upoun hoip of impunitie, and upoun a fals imaginatioun and consait apprehendit be thame that his Majestie had bene forgetfull of thair rebellious cariage, hes tane the bauldnes to continew in Page 739. thair wicked and unhappie trade of leveing, committing barbarous murthouris and utheris villanyes, every ane upoun another, without feir of God or reverence of the law; as alsua they withhauld frome his Majestie his rent and patrimonie dew to his Heynes furth of the saidis Yllis, and ar avowed enemeyis to the treade of fischeing quhilk the peciable subjectis of the in-cuntrey wald intertenye within the saidis Yllis, to the honnour, weill, and benefite of the haill kingdome. And now, his Majestie haveing resolved no langer to delay this expeditioun, bot to advance and set the same fordwart this present yeir, his Majestie finding himselff

[1] In the corresponding list in the *Book of Sederunts* (Fol. 58, b) Lord Gray does not appear.

boundin thairunto in honnour and conscience, seeing it hes pleasit God Acta 1607–8.
to airme his Majestie with pouer and force be sea and land to suppres and trede under all and quhatsumevir rebellious lymmairis within ony pairt of his Majesteis impyre and dominionis, His Heynes for this effect hes given ordour and directioun that some of his Majesteis foirceis and garisoun in Irland, with schipping and galayis weill providit and furneist with munitioun, poulder, and bullet, salbe sent to the saidis Yllis, and to meit in Yla and some pairt of the North Yllis upoun the first day of Junii nixt to cum, and thair to prosequute his Majesteis service according as they salbe directit be his Heynes Lieutennentis and Commissionairis to that effect. And, becaus the executioun of this service in that princelie and substantious forme quhilk is requisite will require some forder forceis nor his Majestie may spair out of his awne garisones at this tyme, his Heynes thairfore is moved to imploy the assistance and forceis of his Majesteis native and loyall subjectis of this his ancient kingdome, of whose reddynes and forwardnes in all his Heynes serviceis his Majestie hes evir had sa good prooff and experience, and thairfore ordanis letters to be direct chairgeing all and sindrie erllis, lordis, barronis, frehalderis, and landit gentilmen dwelland within the boundis of the schirefdomes, stewartreis, and baillieris underwritten, togidder with the inhabitantis of the burrowis following, be oppin proclamatioun at the mercat croces of the saidis burrowis and utheris heid burrowis of the saidis schirefdomes, stewartreis, and baillieris, that they and every ane of thame, weill bodin in feir of weir in thair most substantious and weirlyke maner, and with cariage and palyeonis to ly on the feildis, and with fourty dayis victuallis and provisionis eftir thair comeing to the placeis of thair meiting undirwrittin, addresse thameselffis to the places following:—that is to say, the saidis erllis, lordis, barronis, frehalderis, and landit gentilmen within the boundis of the schirefdomes of Dunbertane, Argyle, Tarbet, Air, Renfrew, and Wigtoun, the bailliareis of Kyle, Carrik, and Cunynghame, the stewartrie of Kirkcudbricht, als wele within the regality as royaltie, and the inhabitantis within the burrowis of Dunbertan, Renfrew, Glasgow, Air, Irwing, Wigtoun, and Kirkcudbricht, and all utheris burrowis and cities within the saidis schirefdomes, bailliareis, and stewartreis, to convene and meit in Yla upoun the said first day of Junii nixt to cum; and the saidis erllis, lordis, barronis, and frehalderis and landit gentilmen within Page 740.
the boundis of the schirefdomes of Aberdene, Bauff, Elgin, Forres, Narne, Invernes, Cromartie, Sutherland, and Caithnes, als wele within the regalitie as royaltie, and the inhabitantis within the burrowis of Dundie, Montrois, Abirdeyne, Petirheid, Banff, Elgin, Invernes, Roismerky, Tayne, and Cromartie, to convene and meit at the burgh of Invernes upoun the said first day of Junii nixt to cum: and that all the saidis personis await upoun the directioun and commandiementis of his Majesteis Lieutennentis respective wha sall thair attend thame with his Majesteis royall pouer and authoritie, and that they pas fordward with thame in the prosequutioun of his Majesteis service as said is, following thair directioun in every

Acta 1607–8. thing as they salbe commandit, and that they depairt not thairfra during the said space of fourty days, under the pane of tinsale of lyff, landis, and guidis."

Gordon of Lochinvar and Vans of Barnbarrach.

Sir Robert Gordoun of Lochinvar, appearing for himself and his friends, on the one part, and Sir Johnne Vans of Longcastell, appearing for himself and his friends, on the other part, assure one another against harm for any cause till Martinmas next, under pain of perjury.

Proclamation against the reset of the rebellious Islesmen on the Mainland.

As his Majesty has resolved to send some of his forces in Ireland to the North and West Isles for "reduceing of the rebellious inhabitantis thairof to his Heynes obedyence and establischeing of religioun, peace, and justice within the same" (*ante*, p. 59), and as "it is verie probabill and liklie that thir rebellious personis, at the arryvaill of his Majesties forceis in the saidis Yllis, sall withdraw thameseltfis to some pairtis and placeis in the continent, and thair lurk and obscure thameselffis quhill hes Majesteis forceis be dissolvit, and sua to eschew the punischement dew to thame
Page 741. for thair detestable treasonis and villanyis," the Lords ordain letters to be directed charging all and sundry landlords having lands on the mainland over against the said Isles not to reset any of the said rebels and fugitives, under pain of treason.

Decree against Sir Andrew Ker and others for debt.

Complaint by Alexander Broun, merchant in Edinburgh, that Sir Andro Ker of Phairnyhirst, and Thomas Kirktoun and George Moscrop, burgesses of Jedburgh, remain unrelaxed from a horning of 2nd February last for not paying him 600 merks as principal and 100 merks for expenses.—Complainer appearing by Alexander Douglas, defenders, for
Page 742. not appearing, are to be apprehended by the Guard, and their goods inventoried.

James Gray against Andrew Kinnaird for assault.

Complaint by Sir Thomas Hammiltoun for his Majesty's interest, and by James Gray, brother of Andro Gray of Dynnenald, and Alexander Monorgoun, servitors to Patrick, Lord Gray, that on 14th November last Patrik Boyd, younger of Pitkindie, and Andro Kynnaird, brother natural of Patrik Kynnaird of Inchsture, "maist feirslie" set upon Gray and Monorgoun in the burgh of Dundie, discharged their pistolets at them, and would have slain them if they had not escaped.—Sir Johnne Arnote, treasurer-depute, appearing in the name of the Advocate, and the other pursuers appearing personally and passing from the pursuit of Boyd,
Page 743. Kynnaird, for failing to appear, is to be committed to ward in the tolbooth of Edinburgh.

Decree against Mr George Wauchop for debt.

Complaint by Johnne Seytoun, brother of the Laird of Corristoun, that Mr George Wauchop, advocate, remains unrelaxed from a horning of 8th January last for not paying to Katherine Annane, daughter of the late Grissell Findlasoun, 500 merks as principal and £50 for expenses, which sums had been assigned to complainer on 13th February last.—
Page 744. Complainer appearing personally, defender, not appearing, is to be apprehended by the Guard, and his goods inventoried.

Decree against Sir James Scott for debt.

Complaint by Elspett, Margaret, and Christeane Kilgouris, daughters of the late David Kilgoure, merchant in Dysart, and by Margaret Cunyng-

hame, his relict, their mother, and David Symsoun, younger, burgess there, tutors to the said bairns, that Sir James Scott of Abbotishall remains unrelaxed from hornings of 2nd January and 16th February last for not paying complainers 1800 merks as principal, together with £200 for expenses.—Complainer appearing by Mr Robert Cunynghame, decree as above against defender. Acta 1607–8. Page 745.

Decree against Rowie Batie and others for not finding caution to answer for theft.

Complaint by James M^cMath in Knokhair, that Rowie Batiesoun (Batie), called Dand's Rowie, in Watcarrak, remains unrelaxed from a horning of 24th November 1606 for not finding caution to answer for the theft of 3 oxen and 3 kye from the lands of the House of the Mure, lying within 8 miles of the burgh of Edinburgh, and belonging to complainer; also that Mungo Johnnestoun, called of Locarbie, Willie Johnnestoun, his son, James Johnnstoun of Kirktoun, called of Tunnergarth, Johnne Johnnstoun, his brother, Johnne Grahame, called Jok of Dryff, and Mekle Henry Kirkpatrick in Branrig, remain unrelaxed from hornings of 5th, 6th, and 17th January 1607 for not finding caution to answer for stealing from complainer a white horse worth £100, a brown horse with a yellow saddle, worth £60, and for reiving from him 90 sheep off the lands of Barturke and 30 ewes with lamb furth of the park of Enoch.—Charge had been given to the said Henry Kirkpatrick, Rowie Batie, and Johnne Grahame to answer; and now, complainer appearing personally, there is decree as above against defenders for not appearing. Page 746.

Decree against William Hunter for debt.

Complaint by Robert Menteith, his Majesty's servitor, that William Hunter in Prestoun remains unrelaxed from a horning of 18th March 1607 for not paying him £100 as principal and £20 for expenses.—Complainer appearing by Archibald Douglas, decree as above against defender. Page 747.

Decree against Archibald Blair and Robert Howison for debt.

Complaint by Henry Prymrois, burgess of Culrois, that Robert Inglis in Culrois, Robert Christie there, and Johnne Howesoun and Archibald Blair there, remain unrelaxed from a horning of 12th February last for not paying the sums of money specified in a decree against them of 12th May last; and that Robert Howesoun in Culrois remains unrelaxed from a horning of 19th February last for not paying him £40 as principal and 40s. as expenses.—Charge had been given to said Archibald Blair and Robert Ewisoun to answer; and now, complainer appearing by Archibald Douglas, there is decree as above against defenders. Page 748.

Decree against Alexander Forsyth and Patrick Lochmalony for debt.

Complaint by Johne Weymes of Craigtoun, that Alexander Forsyth of Nydie, as principal, and Patrick Lochmalony of that Ilk, as surety, remain unrelaxed from hornings of 3rd and 18th February last for not paying him 1600 merks.—Complainer appearing by Archibald Dowglas, decree as above against defenders. Page 749.

Decree against James Cunningham for debt.

Complaint by Robert Dowgall, merchant in Edinburgh, that James Cunynghame, burgess of Lanerk, remains unrelaxed from a horning of 10th February last for not paying him £225 as principal and £40 for expenses, and also £37 as principal and £5 for expenses.—Complainer appearing by Alexander Aikinheid, decree as above against defender.

Complaint by Thomas Young, writer to the signet, that Sir James Page 750.

Acta 1607-8. Hammiltoun of Evindaill remains unrelaxed from a horning of 13th February last for not paying him 1400 merks, according to his obligation, dated 10th August 1606 and registered in the Books of Council and Session on 29th May 1607.—Complainer appearing by Archibald Dowglas, decree as above against defender. Decree against Sir James Hamilton for debt.

Complaint by Cristeane Arnot, relict of Robert Bruce, son of the late Archibald Bruce of Powfoullis, that James Hammiltoun of Wilcokisholme remains unrelaxed from a horning of 13th February last for not paying her Page 751. £60 as annualrent due to her furth of the lands of Wilcokisholme yearly for 1605, 1606, and 1607.—Complainer appearing by Archibald Dowglas, decree as above against defender. Decree against James Hamilton for debt.

The summons to George, Marquis of Huntly, to appear before the Council upon 10th instant, to hear it proven that he had absented himself from the communion and therefore incurred the pain of £1000 for each Page 752. such absence, is continued till first Thursday of June next. Sir Johnne Arnot, appearing for the Advocate, and Mr Thomas Mauer, advocate, appearing for the Marquis, are warned hereof; and the said Marquis is ordained to intimate the continuation to the Bishops of Abirdene and Murray. The summons raised against Frances, Earl of Errole, to the same effect is continued till the same day. Continuation of the summonses to the Marquis of Huntly and the Earl of Errol for not attending the communion.

Complaint by William Wauchop in Wester Dudingstoun, as follows:— On Sunday the penult day of February last, while he was returning to his home from the forenoon service in his own parish kirk of Wester Dudingstoun, James Ker, elder, in Dudingstoun, fiercely assaulted him with a drawn whinger, and would have slain him if he had not been relieved by the good people then present. As complainer, for eschewing farther trouble, was repairing home another way, Archibald Ker, brother of the said James, and Johne Ker, son of the said James, armed with swords, gauntlets, and platesleeves, followed him, and, having overtaken him, Page 753. wounded him in the arm and "lisk." They have thus not only "heichlie dishonourit the Lordis halie Sabboth," but violated the Act made by his Majesty before his departure to England, and renewed since by the Privy Council, forbidding any one to attack another in Edinburgh, or within a mile of the residence of the Council, under pain of warding for year and day and a fine answerable to the offender's rank.—Complainer appearing by Archibald Wauchop, his father, and the said James and Johnne Keris being also present, but Archibald Ker having failed to appear, the Lords find the complaint proven against the absent defender, and also find so much of the complaint verified against the said James Ker "as inferis a insolence and wrang committit be him." They therefore ordain James to be imprisoned in the tolbooth of Edinburgh, and the absent defender to be denounced rebel. William Wauchop against Archibald and James Ker for assault.

Complaint by Colin Campbell of Boith, as follows:—Robert Dumbar of Page 754. Burgie has obtained letters whereby he intends to denounce complainer for the non-entry of Ewine M°Hutchesoun Beg, alleged to be complainer's man, to answer for certain acts of oppression on the said Dumbar. Now, Colin Campbell of Both against Robert Dunbar of Burgy for suspension of horning.

when the matter was first in dispute, it was maintained by the complainer that the late Lauchlane M°Intosche ought to answer for the said Ewine, because he accompanied him at "oisting and hunting," and took part with him in all his "wearis aganis all personis quhatsumevir." In May 1606 complainer had proved this before the Council; and, accordingly, the Lords had found that the said Lauchlane ought to be answerable for the said culprit. But, since the pronouncing of the said decree, the said M°Intosche has departed this life, "and his oy, who is now commander of that clan, is minor and at the scoolis, comes not to that countrey, nor hes not tane upoun him the administratioun of his adois." Thus, complainer cannot get execution of the said decree against him; and, although Angus M°Intosche of Termett, Donnald M°Queine of Corribroch, and certain others, have taken upon them to be answerable for M°Intosch's kin and friends during his minority, suspension of the said letters of horning against complainer is necessary, that "convenientlie he may seik his releiff aganis thame."—Complainer appearing personally, and defender by Mr Johnne Scharp, the Lords continue the matter till 15th June next, on which day the pursuer has undertaken to enter the said Ewine. Acta 1607–8. Page 755.

Reconciliation of Gordon of Lochinvar and MacLellan of Bomby.

Sir Robert Gordoun of Lochinvar, and James Gordoun, his brother, on the one part, and Sir Robert M°Clellane of Bombye, and William M°Clellane, his brother, on the other part, appearing to answer for the bloodshed committed between the said brothers in Kirkcudbricht in February last (*ante*, p. 57), and having acknowledged themselves "to be tendir kynnismen" and that it was "verie unkyndlie and unnaturall" that there should be any grudge between them, "choppit handis and wer finalie aggreit,"—the Lairds of Lochinvar and Bomby promising to be answerable for all persons present with their said brothers at the "persute and invasioun foirsaid."

Order to delete the Act in favour of the Advocate anent his silver mines.

The Lords of Secret Council, "for certane speciall caussis," ordain the Act in favour of Sir Thomas Hammiltoun, of date 19th January last, authorising Sir Johnne Arnote, treasurer-depute, and Thomas Achesoun, master cunyeor, to enter the said Advocate in the possession of the silver mines of Hilderstoun, to be deleted furth of the Books of Secret Council. The said Act is, accordingly, deleted in presence of the said Lords, and "ane note maid thairupoun undir the hand of the Clerk of Counsall."—See *ante*, p. 36. Page 756.

Edinburgh, 17th March.

Sederunt—Chancellor; Angus; Cassillis; Mortoun; Torphechin[1]; Blantyre; Halyruidhouse; Edzell; Kilsyth; Privy Seal; Bruntiland; Sir Alexander Drummond; Preistfieild; Sir Lues Craig; Clerk of Register; Foistersait; Sir Johne Arnot; Mr William Hairt.

Decree against John Hamilton for debt.

Complaint by Robert Cairnecors, merchant in Edinburgh, that Johnne

[1] Does not appear in the *Book of Sederunts*.

Acta 1607-8. Hamiltoun of Nethirfield remains unrelaxed from a horning of 22nd January last for not paying him 800 merks as principal and 800 merks for expenses.—Complainer appearing personally, defender, not appear-
Page 757. ing, is to be apprehended by the Captain of the Guard, and his goods inventoried for the King's use.

Writs passing through the Seals to be expede within forty days of the date thereof.

Order that all charters, gifts, and other writs "that hes bene in use to pas throche the grite and previe seallis in tymes bigane" shall be expede in future within forty days after the date, the same otherwise to be null, and that the signatures on which such writs proceed shall contain a clause ordaining the same to be passed through the seals within the said space, under the pain abovewritten. Intimation hereof is to be made to the writers of the signet.

Decree against John Kinloch for debt.

Complaint by Williame Hunter, one of the officers of the Cannogait, and Elizabeth Feild, his spouse, that Johnne Kinloch, burgess of the Cannogait, remains unrelaxed from a horning of 12th December last for not paying them 1000 merks.—Hunter appearing personally, defender,
Page 758. for not appearing, is to be apprehended by the Guard, and his goods inventoried for the King's use.

Decree against the Commendator of St Colm's Inch and James Lindsay for debt.

Complaint by Johnne Lowrie, merchant in Edinburgh, and Johnne Young, writer, that the following persons remain at the horn since 15th February last:—viz. James Lindsay of Dowhill for not paying 600 merks and not relieving the caution given for him to James Broun, chirurgeon; and Hary, Commendator of St Colm's Inch, for not paying £81, 6s. 8d., as principal, £20 for expenses of plea, 50 merks as principal, and 20
Page 759. merks for expenses.—Complainers appearing by William Ker, decree as above against defenders.

Decree against Thomas Brown and others for non-payment of teinds.

Complaint by George Irwing of Wodhous, that Thomas Broun in Creif, Allane Steill there, Archibald Boyd in Hollis, Hob Boyd, his son, there, Richard Johnnstoun in Righeidis, Leny Irwing in Cavertholme, Richie Johnnstoun there, Ritchie Irwing there, Gavin Irwing in Righeidis, Johnne Johnnstoun in Reidhall, Thome Trollie there, Johnne Byreis there, Andro Forrester there, William Steill in Steilhill, Robert Rae and Andro Haliday there, Thomas Gas there, George Dalgleshe in Mowsknow, Johnne Nicolsoun, Edward Tod and Adam Gibsoun there, Thomas Lyntoun in Logane, William and Johnne Lintonis there, Adam Hutoun and Rosie Irving there, Robert Glovar in Logane, Edward Gibsoun in Auchingavill, Edward Clerk, William Saidler, and William Irwing there, Mege Grahame in Auchingavill, David Clerk there, David Irwing in Wysbie, Edward Irwing, his son, Johnne Schairp, Hab Johnnstoun, David Byreis there, Sibbie Johnnstoun in Beltennent, Gavin Johnnstoun there, Gawin Irwing in Newberry, David Trailtrow, Edward Irwing there, Nane Irwing in Cavertholme, Johnne Broun, Jok Trollie, Rosie Johnnstoun, Johnne Haliday there, Johnne Hoip there, and Mege Johnstoun
Page 760. there, remain unrelaxed from a horning of 18th August last for not paying him the teinds, both parsonage and vicarage, of the parish and parish kirk of Kirkpatrik-Fleming for the crop 1606.—Complainer appearing personally, decree as above against defenders.
Page 761.

Decree against George Moncrieff for debt.

Complaint by William Ros in Charterhousgate, that George Moncreiff in Kirktoun of Maler remains unrelaxed from a horning of 6th February last for not paying him 525 merks as principal and £40 for expenses.—Complainer appearing by Archibald Dowglas, decree as above against defender. Acta 1607–8.

Decree against John Kinloch for debt.

Complaint by Johnne Hall, stabler in the Cannogait, that Johnne Kinloch, postmaster there, remains unrelaxed from a horning of 24th February last for not paying him £40, conform to a decree obtained before the Privy Council on 24th December last (*ante*, p. 27).—Complainer appearing personally, decree as above against defender. Page 762.

To denounce William Dingwall and others for assault.

Complaint by Mr Ronnald Bayne, indweller in Edinburgh, that, upon 30th September last, while he was in his own chamber in Dingwall, William Dingwell in Bailblair, with his accomplices, came to the said chamber and there without any just cause assaulted him with "ane grite trie of thrie elne lang," wounding him in divers parts of his body, and thereafter struck him through the arm with a dirk.—Charge had been given to defender, as also to Johnne M^{c}Gillichoane, burgess of Dingwell, Ronnald M^{c}Eane V^{c}William, and Thomas Cuik, *alias* Dingwell, in Balblair, to answer; and now, pursuer appearing personally, but none of defenders being present, the order is to denounce them rebels. Page 763.

Alexander Kennedy against the presbytery of Ayr, craving to be relaxed from their sentence of excommunication. Decree for pursuer.

Complaint by Alexander Kennedy, son of Hew Kennedy of Craigneill, as follows:—Having been charged by the presbytery of Air to give his oath, and to make his repentance for alleged adultery with dame Helene Kennedy, Lady Knokdoliane, he had appealed to the Lords of Council and Session; who, because the matter was a criminal one, in which the said ministers are not judges competent, and because giving his oath was "nathing ellis bot as it wer the taking of the cryme upoun him," had suspended the proceedings. Nevertheless, and though he had sundry times appeared before the said presbytery and offered to satisfy them, they insisted in their proceedings; and now at last they have wrongously excommunicated him.—Charge had been given to the ministers of the presbytery to answer; and now, pursuer appearing by Johnne Lokhart, but none of defenders appearing, the Lords decern them to relax the pursuer from the sentence of excommunication. Page 764.

To denounce John Turner and others for disobedience.

Charge had been given to Johnne Turnour of Ardwell, Mungo Gressie in Newabbay, Thomas Turnour there, Harbert Sitlingtoun there, Johnne Sloand of Garrioch, Mr Harbert Broun, and Willie Greinyaird in Schambellie, to appear this day, under pain of rebellion, as witnesses in the cause pursued by Sir Thomas Hammiltoun for his Majesty's interest against Mr Gilbert Broun and his sureties for the said Broun's having returned within this realm contrary to their act of caution. The Lord Advocate appearing by Mr Thomas Henrysoun, the said witnesses, for not appearing, are to be denounced rebels. Page 765.

Decree against the Earl of Crawford for debt.

Complaint by Williame Baillie of Lamingtoun, younger, that David, now Earl of Crawfurde, remains unrelaxed from a horning of 11th instant for not paying him 400 merks as principal and £40 for expenses.—

Acta 1607–8. Page 766. Complainer appearing by William Ros, defender, for not appearing, is to be apprehended by the Guard, and his goods inventoried.

Decree against Harry Stewart for debt.

Complaint by James Wrycht in the burgh of Edinburgh, that Hary Stewart of Barskyming remains unrelaxed from a horning of 27th February last for not paying him £1000 as principal, £100 for expenses, and arrears of 10 per cent. of interest.—Complainer appearing personally, decree as above against defender.

Page 767.

Suspension of horning against George Pringle.

Complaint by George Hoppringle in Hoppringle, that he is charged, under pain of horning, to find lawburrows in 500 merks for the indemnity of Elizabeth Edmestoun, relict of James Hoppringle of that Ilk. The said pain is exorbitant for one who has nothing but the "labouring" of the lands of Hoppringle; and, as he has nevertheless found caution as charged, the said horning should be suspended.—Pursuer appearing, but not defender, the Lords do suspend the horning, and modify the said sum to 300 merks.

Page 768.

Umphra Gray of Edinburgh against Alexander Pennycuick for unprovoked assault.

Complaint by Umphra Gray, merchant, burgess of Edinburgh, as follows:—Upon Sunday 28th February last, "he haveing remanit all that day in the kirk at the sermone, according to his accustomed maner, and, efter the efternones sermone, haveing stayit in the kirk quhill about sevin of the cloik at nycht, and than comeing hame to his awne house in sober and quiet maner to have gottin his supper, he took purpois to reid some twa or thrie chaptouris of the Bible quhill his supper had been reddy." As he was at this exercise, "sitting at his awne table without ony uther company in his house saulfing his awne servand woman," Alexander Pennycuke, one of his Majesty's Guard, with other two persons, all unknown to the complainer, came to his house by way of hamesucken, "gaif him thrie grite straikis with a battoun upoun the heid, and fellit him thairwith deid"; and, "he being fallin to the ground and haveing lost his senceis, thay, the forder to utter thair crueltie aganis the said complenair, gaif him thre uther straikis upoun the heid with a drawin durk."

Page 769.

—Pursuer appearing by Helene Cleuch, his spouse, and Sir Robert Hepburne, lieutenant of the guard, being also present, but the said Alexander failing to appear, the Lords decern the said Alexander to be denounced rebel, and ordain the said Lieutenant to enter him by this day 15 days, under pain of rebellion.

Earl of Morton against James MacMath.

Complaint by William, Earl of Mortoun, as follows:—He is decerned to be put to the horn at the instance of James M°Math in Knokhair for the non-entry of Joky Grahame, called Johne of Dryfe, alleged to be his man, to answer for theft (*ante*, p. 55). Now, the said Jok is not his man, and dwells not on his lands. For, although the opposite party "takis hald" of certain words in the previous Act of Council in the matter, "the treuth is the said Erll wes ignorant quhair the said Jok dwelt"; but, "seing the Laird of Gillispie, his nevea, and to quhome the said Jok is

Page 770.

tutour, is the said Erllis vassall, he simplie belevit that the said Jok had dwelt upoun some pairt of his brother sones landis, quhilkis ar haldin of the said Erll, as said is, and, without ony forder assuirance of his estate

and conditioun, the said Erll ignorantlie acknawlegeit him to be his man: quhilk mistaking of him cannot obleis nor astrict the said Erll to be answerable for him." Further, this matter for which the said Jok is challenged comes under the Earl of Dumbar's commission of lieutenancy over the middle shires of this kingdom. Still, complainer had found caution in £1000 for the entry of the said Jok this day in case it be found that he is answerable for him.—Pursuer appearing personally, and defender by William Sinclair, the Lords assoilzie the said Earl from the entry of Grahame, because, Sinclair having referred to the Earl's oath of verity the question whether Grahame were his man, the Earl has declared by his great oath that he is not. Acta 1607-8. Page 771.

Edinburgh, 24th March.

Sederunt—Chancellor; Blantyre; Halyruidhouse; Edzell; Collector; Preistfeild; Foistersait; Clerk of Register.

Charge for deserting the diet of the Synod of the Merse and Teviotdale.

Although the King and Council had hoped that "at the lait Synode of the Mers and Teviotdaill quhilk wes keipit at Duns in the moneth of last bypast" (*ante*, p. 4) there would be "ane reverent and dewtifull obedyence" to the Acts and ordinances of the Assembly held at Linlithqu in December 1606, and that the moderator would be chosen conform thereto, yet the brethren there convened, "upoun some passionat humour of thair awne, without reasoun to justifie thair doingis," not only refused to "mak chose of thair moderatour," but "dischairgit the moderatouris of thair presbitereis nominat and chosen be thameselffis." For this "some of thame ar lauchfullie and worthelie denuncit his Majesteis rebellis and put to the horne"; but, as it is understood that "thay intend at thair nixt approcheing Synode to undo, sa fer as in thame lyis, otheris actis and constitutionis of the Kirk concludit in preceiding Assembleis, and sua to disturb the peace of the Kirk," the Lords discharge the said Synod, and ordain letters to be directed commanding the brethren not to assemble for holding the said Synod, under pain of rebellion. Page 772.

Edinburgh, 31st March.

Sederunt—Cassillis; Lowthiane; Blantyre; Edzell; Quhittinghame; Collector; Mr Petir Rollok; Privy Seal; Clerk of Register; Sir Lues Craig; Foistersait; Sir Johne Arnot.

Decree against Alexander Straton for debt.

Complaint by Issobell Lindsay, sister of David Lindsay of Correlhill, that Alexander Stratoun, elder of Brigtoun, remains unrelaxed from a horning of 14th February 1606 for not paying her 500 merks as principal, 25 merks for one term's annual thereof, and £40 for expenses.—Complainer appearing by Alexander Campbell, defender, for not appearing, is to be apprehended by the Guard, and his goods inventoried. Page 773.

Decree against John and Thomas Miller for debt.

Complaint by Johnne Langwill, servitor to Johnne, Earl of Mar, that Johne Miller at the mill of Kynnaird and Thomas Miller at the Haithmill remain unrelaxed from hornings of 7th July 1606 and 18th February 1608 for not paying him £180 as principal, not delivering to him an

Acta 1607–8. acquittance from the bishop and minister of Brechin for the teindsheaves of the lands of Petpullox for the year 1602, and not paying him £20 for expenses and £10 for each charge.—Complainer appearing by Andro
Page 774. Bradie, decree as above against defenders.

Decree against Lord Maxwell and others for debt.

Complaint by James Dalzell, merchant in Edinburgh, that Johnne, Lord Maxwell, as principal, and Johnne Maxwell of Conhaith and Edward Maxwell of Hillis, as sureties, remain unrelaxed from hornings of 7th and 8th instant for not paying him 6000 merks as principal and £400 for expenses.—Complainer appearing by Archibald Dowglas, decree as above against defenders.

Decree against William Ruthven.

Complaint by Gilbert Gairdin in Arbroith, that William Ruthven,
Page 775. sometime of Bellindane and now of Gairdin, remains unrelaxed from a horning of 28th April last for not entering him in the possession of the lands of Freok.—Complainer appearing by Archibald Douglas, decree as above against defender.

Decree against Andrew Wood and Robert Gray for debt.

Complaint by Alexander M°Math, merchant in Edinburgh, that Andro Wood of Rossyth, as principal, and Robert Gray of Cranslie, as surety, remain unrelaxed from hornings of 9th, 11th, and 24th November and May last for not paying him £532, 2s. 5d. as principal and 200 merks
Page 776. for expenses.—Complainer appearing by Alexander Douglas, decree as above against defenders.

Edinburgh, 2nd April.

Charge to the Lairds of Lochinvar and Bombie.

Albeit Sir Robert Gordoun of Lochinvar and Sir Robert M°Clellane of Bombye had promised to be answerable for all such as were with their brothers at the late combat, and to cause such of their servants as were hurt on that occasion to "chop handis at thair hame-ganging" (*ante*, 64), yet nothing has been done in that matter, and those who were hurt now "awaitis the occasioun of thair awne revenge." There is order, therefore, to charge the Lairds of Lochinvar and Bombye to appear before the
Page 777. Council on 28th instant, and bring with them such as were hurt at that combat and refuse to be reconciled, under pain of rebellion.

Charge for the visitation of the University of St Andrews.

"Forsamekle as his Majestie, upoun certane speciall and good considerationis, hes gevin ane commissioun to a number of his Majesties Counsale and utheris his good subjectis to repair to the citie of Sanct Androis for visitatioun of the universitie and collegeis within the same, alswele anent the taking of particulair and exact accompt of every anes behavioure and cariage within the same, and observatioun of the lawis, ordinanceis, and constitutionis at the first foundatioun thairof, as for remedying of such disordouris as have laitlie crept into the same, and providing of sufficient and qualifeit personis to the void placeis thairof, as in the said commissioun at lenth is contenit: for the execution quhairof the day of Aprile instant is preceislie appointed and assignit: Thairfoir the Lordis of Secrite Counsale ordanis letters to be direct to officeairis of airmes chairgeing the haill maisteris, regentis, foundit personis, yconimus, and chalmarlanis of the said collegeis, to compeir personalie before the saidis Commissionairis within the citie of Sanct Androis upoun the said

day of Aprile instant, and to bring and produce with thame all thair fundationis, alswele generall of the previlegeis of that universitie as of the particulair collegeis of the same, togidder with the just compt of the levingis of the saidis collegeis sen the last visitatioun thairof, to be sene and considerit be the saidis Commissionairis, and that the saidis maisteris, regentis, foundit personis, chalmerlanis, and yconimus attend and await upoun the saidis Commissionairis and be reddy at all tymes as they salbe callit to compeir before thame, undir the pane of rebellioun." Acta 1607-8

Holyrood-house, 9th April.

Sederunt—Uchiltrie; Elphingstoun; President; Blantyre; Halyruidhouse; Master of Elphingstoun; Bishop of the Isles; Collector; Comptroller; Sir Johnne Arnot; Foistersait; Sir Alexander Drummond.

New proclamation for the pursuit of Lord Maxwell, guilty now of the slaughter of the Laird of Johnstone.

As Johnne, Lord Maxwell, not content with his "former treasonable attemptis," has lately "maist cruellie and unworthelie" slain Sir James Johnnstoun of Dunskellie "with unlawful and forbiddin wapponis," there is charge to Sir William Cranstoun, Captain of the Garrison, to repair to the bounds of Annanderdaill for the pursuit of the said Lord, with order to charge all earls, lords, barons, freeholders, and landed gentlemen within the bounds of Roxburgh, Selkirk, over ward of Cliddisdaill, Drumfries, and Annanderdaill, by open proclamation at the head burghs of the same, to hold themselves in readiness to assist the said Captain, under pain of loss of life, lands, and goods.[1] Page 778.

Precautions against Lord Maxwell's escape by sea.

As it is "crediblie reportit" that Lord Maxwell intends to "reteir himselff furth of this kingdome, and sua to eschew the punischement worthelie merite be him," there is order to charge all skippers and mariners, by open proclamation at the pier and shore of Leith and market cross of Kirkcudbright, not to carry him furth of this realm without license of his Majesty and Council, under pain of death.

Edinburgh, 12th April.

Sederunt—Chancellor; Cassillis; Linlithqu; Abircorne; Uchiltrie; Elphingstoun; President; Scone; Blantyre; Halyruidhouse;

[1] The slaughter of the Laird of Johnstone, one of the most memorable incidents in the long feud between the Maxwells and the Johnstones, had occurred on the 6th of April 1608. Spotswood, after relating the recent escape of Lord Maxwell and his flight to the Borders, tells the story thus (p. 504):—"No sooner found he himself at liberty then he fell a-plotting the Laird of Johnston's murther; which he wrought in a most treacherous manner. He [Maxwell], pretending to use his [Johnstone's] friendship in obtaining his Majesties pardon, employed Sir Robert Maxwell of Orchardstowne, whose sister Johnston had married, to draw on a meeting betwixt them,—as he did, at a little hill called Achmanhill. They did bring each of them one servant only, as was agreed, the said Sir Robert being present as a friend to both. At meeting, after they had courteously saluted one another, and conferred a little space very friendly, the two servants going aside,—the one called Charles Maxwell, a brother of Kirkhouse, the other William Johnston of Lockerby,—Charles falleth in quarrelling. The other shooteth a pistoll at him; the Laird of Johnston making to part them, the Lord Maxwell shooteth him in the back with two bullets; whereupon he falleth, and, for a while keeping off the Lord Maxwell, who made to strike him with his sword, expired in the place."

Acta 1607–8.

Bishop of Ros; Bishop of the Isles; Master of Elphingstoun; Edzell; Comptroller; Advocate; Collector; Clericus Registri; Kilsyth; Foistersat; Sir Alexander Drummond; Sir Johne Arnot.

Page 779.

"Forsamekle as, the variance and differrenceis standing betuix the nycht-bouris and inhabitantis of the burgh of Dundie, anent the forme and maner of the governement thairof and administration of the publict and commoun effairis of the same [vol. vii. pp. 94–100], being amicablie submitit to certane indifferent freindis selectit and chosin for that purpois, and the saidis freindis haveing accordinglie mett within the burgh of Dundie and haveing tane grite panes and travellis for removeing of the occasionis and miscontentment betuix the saidis pairteis and establischeing of a solide and constant forme of governement within the said burgh, wherein a nomber of the speciall personis who pretendit greatest miscontentment in the bygane governement and wer cheif ringleadairis in that factioun wer maid choise of to haif had a pairt of the chairge and burdyne of the governement of the said burgh for this present yeir, seeing the electioun of the magistratis quhilk sould have bene at Michalmes last wes prorogat and continewit upoun occasioun of the said submissioun to that tyme of meiting of the freindis: and quhairas the said submissioun had tane a verie good effect in the most substantious heidis, and nothing expectit bot a full abolitioun of all former greiffis and a renewing of love, peace, and amitie within the said burgh: nevirtheles the said submission hes takin no present effect, upoun wilfull refusall of some discontented personis to yeild to some sic reasonable and indifferent thingis quhilk mycht have bred a begyning of new contraverseis gif before the change of governament they had not be[ne] setled so: the saidis judgeis not haveing performed the electioun, the personis who formarlie wer chosin to beir office in the said burgh at Michalmes $j_m vi^c$ and sex yeiris refuseing ony longer to undirgo that chairge in respect the tyme of thair office is expyrit, so that thair can no new electioun be maid quhill the ordinair tyme thairof at Michalmes nixt: Thairfore the Lordis of Secrite Counsale hes thoght meit and expedient that the saidis formair magistratis sall yit continew in thair chairge and office quhill Michaelmas nixt.—For quhilk purpois ordanis letters to be direct to command and chairge the haill personis who wer electit and chosin to beir office in the said burgh at the last tyme of electioun, at Michaelmas $j^m vi^c$ and sex yeiris, to continew in the administratioun of thair officeis, and to use and exerce the same in all thingis belonging thairunto quhill the nixt ordinair tyme of electioun at Michalmes nixt, as they will ansuer upoun thair obedyence at thair heichest chairge and perrell; as alsua to chairge the haill inhabitantis of the said burgh to reverence, acknawlege, and obey thame in all thingis dew to thair office, undir all hiest pane and danger."

Charge to the former magistrates of Dundee to continue in the administration of the burgh till Michaelmas next.

Page 780.

Sir Thomas Hammiltoun of Bynnie, King's Advocate, appears before the Council, and declares that, "immediatlie efter his hame-comeing,

The King's Advocate: declaration

anent his offer of the silver mines to Sir John Arnot.

for performance of his promeis and band gevin to the Kingis Majestie the tyme that his Majestie tuke ordoure for the said Sir Thomas his satisfactioun and contentment for his right and possessioun of the silver mynes of Hilderstoun (wherein he acknawlegeit his Majesteis princlie, favourable, and liberall dealing towardis him)," he had offered to enter in the said works Sir Johnne Arnot, treasurer-depute; who, however, refused to take possession of the same, in respect he had no warrant from his Majesty to that effect. Sir Johnne, being also present, corroborates this declaration, adding that the Lord Advocate, before coming home, had written to him to this same effect. Acta 1607-8.

Charge for keeping the peace between Cunningham of Caprington and Crawford of Leifnoris.

There being a "verie grite contraversie" between William Cunynghame of Caprintoun, and William Cunynghame, his son and apparent heir, on the one part, and Crawfurd of Leifnoreis, and Crawfurd, his son and apparent heir, on the other, so that it is very likely that, at their first repairing to their parish kirk of Cumnok, "some grite inconvenient sall fall out," there is order to charge both parties not to repair to the kirk till their quarrel be settled, under pain of 10,000 merks, and also to subscribe assurances to one another to endure till 1st April 1609, Page 781. and to find caution in 10,000 merks for keeping the same inviolate.

Prorogation of the expedition against the Isles, and order for a general levy for that service,

Notwithstanding the proclamations made of musters to be held in Islay and at Invernes on 1st June next for reducing the rebellious inhabitants of the Isles to his Majesty's obedience (*ante*, p. 59), the Lords, considering that the inhabitants within the few shires made subject to this expedition "ar not able to undirgo that burdyne, and to prosequute and follow out the same be thameselffis substantiouslie as the necessitie of the service requireis," and remembering also that "this is a service quhairin the haill bodie of this kingdome hes interesse," prorogate the time of meeting from 1st June to 1st July next, "to the effect that the saidis first appointed forceis may be assisted with the haill pouer and forces of this kingdome." Accordingly, there is order to charge by open proclamation at the head Page 782. burghs (1) all earls, lords, barons, freeholders, and landed gentlemen dwelling in the shires of Edinburgh, Hadingtoun, Berwik, Roxburgh, Selkirk, Peblis, Lanerk, Drumfreis, Linlithqu, Stirling, Fyff, Kinros, Perth, Forfair, Clakmannane, Dumbertane, Bute, Ergyle, Tarbet, Air, Renfrew, Wigtoun, stewartries of Kirkcudbricht, Annanderdaill, Stratherne, and Menteith, bailiaries of Lauderdaill, Kyle, Carrik, and Cunynghame, with the inhabitants of the burghs within the same, to meet in Yla on 1st July next, well armed, provided with 40 days' victuals, and having "cariage and palyeonis to ly on the fieldis," (2) all such persons within the bounds of Kincairdin, Abirdene, Banff, Elgin, Forres, Narne, Invernes, Cromartie, Suderland, and Caithnes, with the inhabitants of the towns in the same, to meet at Invernes on 1st July, armed and provided as aforesaid,—under pain of loss of life, lands, and goods.

Mr John Murray, minister at Leith, committed to ward.

Mr Johnne Murray, minister at Leith, is to be committed to ward in the castle of Edinburgh "for that impertinent sermone maid be him at ane sinodoill meiting in Edinburgh, and dirpersit and printit sensyne."

Acta 1607–8. Sir Mungo Murray, cornet of the guard, is directed to apprehend him.[1]

The Lords think meet that the Estates shall convene at Edinburgh on 20th May next, to consult "how the expeditioun for the Illis may be best prosequutit." Anent a Convention of the Estates.

Page 802. Walter, Lord of Blantyre, as one of the arbiters chosen for Alexander Colhoun of Lus, and Johnne, Lord Haliruidhous, as one of the arbiters chosen for Johnne, Earl of Mar, and Andro M°Farlane of Arroquhair, appear and declare that, having, with the other arbiters between the said parties, "tane great panes and travellis in that mater," they have been unable to draw the parties to any "reasounable mindis or compositioun." They therefore give up the submission made to them as arbiters, and protest that their doing so shall liberate them from all pain that they might incur through not pronouncing a decree in the matter. The Lords admit the protest. Failure of arbitration between the Earl of Mar and Colquhoun of Luss.

Page 782. *Sederunt*—Chancellor; Caithnes; Lowtheane; Wyntoun; Uchiltree; President; Lowdoun; Scone; Blantyre; Halyruidhous; Bishop of Ros; Edzell; Justice Clerk; Privy Seal; Advocate; Collector; Comptroller; Clerk of Register; Sir Lues Craig; Foistersait; Sir Alexander Drummond; Sir James Sandielandis; Sir Johnne Arnot; Mr William Hairt. Edinburgh, 14th April.

Page 783. Commission to Andro, Bishop of the Isles, Andro, Lord Stewart of Uchiltree, and Sir James Hay, Lord of Bewlie, Comptroller, to confer, when and where they please, with Angus M°Coneill of Dunnyvaig and Hectour M°Clayne of Dowart "anent the effairis of the Yllis," and to repoirt "thair ansueris and offeris" to the Council by 20th May next.[2] Commission to confer with MacDonald of Dunivaig and MacLean of Duart.

Order to charge the bailies of Drumfreis to deliver the castle of Drumfries, now in their keeping, to Sir William Cranstoun, Captain of the Garrison, at their peril. Order also for letters charging Angus M°Coneill of Dunnyvaig and his son to deliver the castle of Dunnyvaig to the executioner of the letters, under pain of rebellion. Charges for delivering the castles of Dumfries and Dunivaig.

Complaint by Mr Alexander Sym, advocate, that Sir Alexander Forrester of Gairden remains unrelaxed from a horning of 5th March last for not paying him £50 for one term's payment of £100, with £20 for expenses.—Complainer appearing by Archibald Dowglas, macer, defender, not appearing, is to be apprehended by the Captain of the Guard, and his goods inventoried. Decree against Sir Alexander Forrester for debt.

Page 784. Complaint by Alexander Keith of Balmure, that James Lyoun of Decree against James Lyon and William Young for debt.

[1] For the full story of Murray and his offence see *Royal and Other Letters* of dates 7th, 10th, and 20th March 1608, with footnote to the last of these letters. The present minute seems to contradict the statement of Calderwood, referred to in that footnote, that Murray was committed to Edinburgh Castle by the King's private warrant.

[2] This is the first mention of Sir James Hay of Fingask, Comptroller, by his new title of Lord Bewlie. In the sederunt of March 10 (*ante*, p. 59) he appears only as Sir James. He is now added to the Commission appointed March 8 (see *ante*, p. 59).

Easter Ogill, and William Young, servitor to the late Sir Thomas Lyoun of Auldbar, remain unrelaxed from a horning of 29th April last for not paying to him, conform to the assignation made to him on 1st March last by Johnne Stevinsoun, merchant in Edinburgh, 400 merks as principal, £30 of expenses, and £10 for the charges.—Complainer appearing by Archibald Douglas, macer, decree as above against defenders. Acta 1607–8. Page 785.

The Town Council of the Canongate against the magistrates and bakers of Edinburgh for troubling the bakers of the Canongate in selling their bread in the Edinburgh market.

Complaint by the bailies, council, and baxters of the Cannogait, as follows:—The Estates of Parliament, considering the "frequent resorte of people" to Edinburgh, and being careful that the said burgh should be well provided with bread, had ordained markets for the sale of bread to be held every Monday, Wednesday, and Friday, with liberty to all and sundry to sell their bread in open market on the said days (1540, c. 40, ii. 378). Accordingly, the bakers in the Cannogait, and others dwelling in Dysert and other towns of the coast of Fyff, and in Musselburgh, Dalkeith, and other places of Lotheane, have been in continual use to sell their bread in the market of Edinburgh without impediment. Of late, however, the bailies of Edinburgh, and the deacon of the baxters there, have begun to molest the complainers, and indeed to dispossess them of their liberty foresaid. For this effect, they have sometimes stayed the complainers from bringing bread within their ports; and, when any is brought in, they "quarrell the fassioun and proportioun thairof, quhilk wes nevir heirtofoir quarrellit," and hinder the sale.—Charge had been given to Richart Dobie, William Speir, and James Anislie, bailies of Edinburgh, and to Patrick Dowglas, deacon of the baxters there, to answer; and now, Johnne Smyth, bailie, and Mr Johnne Hairt, one of the council of the Cannogait, with William Shevis, deacon, Robert Neilsoun, boxmaster, Donald Danskene and James Simsoun, baxters there, appearing for the complainers, and Richart Dobie and William Speir, bailies of Edinburgh, and the said Patrik Dowglas, being present for the defenders, the Lords decern the defenders to desist from any farther hindrance of complainers and "fra quarrelling of the weght, fassioun, and proportioun of thair bread"; but, in order that the said bread "be good and sufficient mercat bread" and that the lieges "be not abused be the insufficiencie thairof," power is given to the bailies of Edinburgh "to try the fynnes and sufficiencie of all the breid to be broght to thair mercat be the saidis baxteris of the Cannogait, as accordis." Farther, the Lords assoilzie the defenders from the part of the complaint touching the staying of the baxters of the Cannogait from "bringing of thair breid in at their portis," because Douglas has deponed on his great oath that it is not true. Page 786. Page 787.

Similar complaint by the bakers of the Potterrow.

Similar complaint by the baxters dwelling at the West Port and Potterraw.—Waltir Wilsoun, George Williamsoun, Johnne Hannay, and Adam Purves, baxters, appearing for themselves and for the other complainers, and the said Dobie, Speir, and Douglas being present for the defenders, the Lords find and decern for the complainers as above. Page 788. Page 789.

Jean Crawford against Robert Campbell for assault.

Complaint by Jeane Crawfurde, spouse of Johnne M'Dowell of Logane, and the said Johnne for his interest, that, while she was riding on horse- Page 790.

Acta 1607–8. back between the lands of and her own house of Skeldoun, Robert Campbell in Pattersoun, forgathering with her, "maist feirslie set upoun hir," pulled her down off her horse, and "strak and birsit hir," so that immediately thereafter "scho pairtit with bairne."—Complainers appearing by George Corrie of Kelwood, but defender not appearing, the Lords find the complaint proven, and decern defender to enter in ward in the tolbooth of Edinburgh when required, under pain of rebellion.

Page 791. Sir William Callender of Bancloych appears and gives in a copy of the letters charging him at the instance of Hary Levingstoun of Castelcarie to answer this day for destroying a band obliging him to pay the said Hary 5545 merks. As Levingstoun does not appear, Callender protests that he shall not be held to answer any farther till again warned; and the Lords admit the protest. Protest by Sir William Callander.

Complaint by Johnne Stewart, burgess of Perth, that Thomas Younger, portioner of Kincairdin, Thomas Young, portioner of Cornetoun, Alexander Machane in Kerspatrik, and Daniell Brice in Airth, remain unrelaxed from hornings of 24th and 25th March last for not paying him 600 merks. Decree against Thomas Younger and others for debt.

Page 792. —Complainer appearing by Mr Thomas Lyell, defenders, not appearing, are to be apprehended by the Guard, and their goods inventoried.

Complaint by William Ros, burgess of Perth, dwelling at the Charter-housegate, that Mr Robert Ros of Cragy, as principal, and Mr James Ros, his brother, as surety, remain unrelaxed from a horning of 20th December last for not fulfilling to complainer a contract of date 18th May 1605, and not paying him 500 merks as expenses and £10 for each charge.— Decree against Mr James Ross for debt.

Page 793. Complainer appearing by Archibald Dowglas, decree as above against the said Mr James, the only defender summoned.

Complaint by Johnne Cathro, miller at the mill of Couper in Angus, and Thomas Cathro, his son, as follows:—In December last, Johnne Perie, portioner of Coubyre, accompanied by Johnne Perie, his brother-son, and Johnne Foirman, his servant, armed with swords, gauntlets, platesleeves, and other weapons, forgathering with the said Thomas in the highway between the said mill and his father's house, invaded him with drawn swords and would have slain him if he had not been sheltered in the house of Johnne Kilgoure. Again, in January last, the defenders came to the said mill, sought for complainer, and, missing him, "maist feirslie set upoun his said fader," and would have slain him if he had not been relieved by some good people. Further, on 2nd instant, the said John and Thomas Cathro against John Pirrie and others for assault.

Page 794. Johnne Perie, being informed that the said Thomas was in the said mill, came thither at twelve hours at even, lay in wait for him a long time, and, "persaveing him comeand thairfra at the Soutter Housbra," came behind his back, and with a drawn sword gave him a "grite straik in the leg, quhairof he then fell to the ground."—Johnne Cathro appearing for himself and his father, but none of the defenders appearing, the order is to denounce them rebels.

Complaint by Sir Thomas Hammiltoun for his Majesty's interest, and by Thomas Moffet in the town of Craufurd and Adam Moffet in Hairtlay, Thomas and Adam Moffat against James

Williamson and others for assault with fire-arms.

as follows:—In November last, James Williamsoun in Crawfurd, for- Acta 1607-8.
gathering "with a pistollet at his belt" with the said Adam in Crawfurd,
discharged the said pistolet at him, afterwards wounded him with a lance Page 795.
in his left arm, and then "behind his bak with the said lance ran him
throw the body." Again, on 9th February last, Williamsoun, accompanied
by Johnne, his son, and Johnne, son of late Robert Williamsoun in Glen-
goner, with others, all armed with swords, gauntlets, platesleeves, hagbuts,
and pistolets, came to the said Thomas's house in Crawfurd, and there
"schote away frome him his richt airme," and "thairwithall cuist drawin
quhinzeairis at him," and had not failed to slay him if he had not been
relieved.—Complainers appearing personally, and the said James Wilsoun Page 796.
(? Williamsoun) being also present, but none of the other defenders,
the Lords commit the said James to ward in the tolbooth of Edinburgh,
and ordain the absent defenders to enter in ward in the said tolbooth
within six days after the charge, under pain of rebellion.

James Williamson and others against Thomas and Adam Moffat for assault and violence. Defenders assoilzied.

Complaint by James Williamsoun in the town of Crawfurd, Bessie
Crawfurde, his spouse, Johnne Williamsoun there, son, and Helene Hill,
mother-in-law, to the said James, as follows:—In October last Thomas
Moffet, brother of the late William Moffet, called of Grantoun, and George
Moffet in Polmady, with others, all armed with swords, lances, secrets,
platesleeves, whingers, and other weapons, of the special causing and
hounding out of Adam Moffet in Haircleuch, came, by way of hamesucken,
to the complainers' house in Crawfurd, and there pursued them for their
lives, wounded the said Johnne in the "henche," Bessie in the right arm,
and Helene in her head, and left them for dead. They then entered the Page 797.
said house, "caist doun ane grite quantitie of poulder upoun the harth and
flure thairof and fyrit the same," broke in pieces a large brewing caldron,
and cast in the fire two dozen pewter plates, which were thus melted and
destroyed. Again, in November last, the said Adam, Thomas, and George
Moffettis, with others, came to the said house, besieged the complainers
therein a long time, "cryit for fyre to have brint the said house," and had
not failed to do so unless "some cuntrey men" had raised the siege and
compelled the defenders to depart.—Said James Williamsoun appearing
for himself and the other pursuers, and the defenders being also present,
the Lords assoilzie defenders, because the pursuers have failed in their Page 798.
proof.

Gordon of Strathdoun, and his spouse, the Countess of Errol, against George Hay, son of the Countess, for oppression and spuilyie.

Complaint by Sir Thomas Hammiltoun for his Majesty's interest, and
by Alexander Gordoun of Stradoun, and dame Agnes Sinclair, Countess
of Erroll, his spouse, as follows:—On 9th September last, the complainers
and their family being in Edinburgh, George Hay, son of the said lady,
accompanied by Alexander Dow, sometime in Ord, and James Hay, his
servitors, with others, came to the said burgh, and, under pretext of friend-
ship, persuaded the said Alexander to come furth of his house to the
"yaird at the bak thairof," on "hoip of sum pastyme and recreatioun."
They then "lured him on, peice and piece," till they brought him out at
the Nether Bow Port and to the foot of Saint Marie Wynd, where they

Acta 1607-8. put violent hands in him; after which they carried him captive to the North and committed him to ward in the fortalice of Blairfuidie, belonging to George, Marquis of Huntley, where they detained him prisoner for the space of . Immediately afterwards the defenders came to the manor place of Over Aucherie in Buchan, belonging to the said lady in conjunct fee or liferent, violently possessed themselves thereof, broke up the lockfast places, and intromitted with the whole corns, cattle, and goods found in

Page 799. the place.—Pursuer appearing, but none of the defenders, the Lords, in respect of a certificate produced by William Hay testifying George Hay's "disease and inhabilitie to travell," excuse his absence, and ordain him to deliver the said place to his mother within twenty-four hours after the charge, under pain of rebellion.

Two skippers of Rotterdam against John Wilson and Thomas Cowns for oppression.

Page 800. Complaint by Adrian Clastoun, master and skipper of the ship called "The Pellicane of Roteodame," and Cornelius Adamesoun, master and skipper of the ship called "The Eigle of Rotiodame," as follows:—"Thay haveing laitlie arryvit in this kingdome for bying of great coill, and having a certane quantitie thairof at Airth and Alloway, and, efter the payment of thair custome and ressaving of thair cocquett conforme to the ordour, haveing lousit and being on thair dew course hamewart at the Quenisferry,"—expecting no trouble, because of the peace between his Majesty and the Estates of the United Provinces of Flanderis,—Johnne Wilsoun in Quenisferry and Thomas Cownis there, with others, on 3rd April last, boarded their said ships, pursued their companies for their lives, and stayed their ships without lawful power, only pretending "a warrand" from the Lord of Cragyhall, alleged Admiral-depute. Their purpose was to extort money from complainers by way of "toill or compositioun to latt thame go"; indeed, they had offered them liberty to depart on payment of £40 or £50 for each ship. "Quhilk forme of scaffrie and oppressioun under the pretext and cullour of law is not onlie grevous to the saidis complenaris and wilbe sclanderous to this natioun, bot wilbe ane argument to move otheris strangearis who tradis in this kingdome to leave thair trade heir, without remeid be providit."—Complainers appearing by Johnne Erskin of Balgowny and Alexander Bruce, and Cownis being personally present, but Wilsoun failing to appear,

Page 801. the Lords find the complaint clearly proved against the defenders, decern Cownis to be commmitted to ward in the tolbooth of Edinburgh, and ordain Wilsoun, after his return to this kingdom, to enter in the said ward, within six days after the charge, under pain of rebellion.

David Swinton and his sons against Henry Hunter and David Miller, craving suspension of horning.

Complaint by David Swyntoun, elder in Grange, and David and Patrik, his sons, that they are charged, the father in £500 and the sons in £500 merks each, to find caution, under pain of rebellion, for the indemnity of Henry Hunter in the Coittis, and David Miller, his son-in-law. The said pains are far above the sums appointed by Act of Parliament for persons of their condition, the said David being but a "yeeman, a removable tennent, and ane poore labourair of the ground," and his two sons but "twa young boyis," not past 18 or 19 years of age, and not worth in all

£20. As they have nevertheless found caution as charged, the horning should be suspended.—Pursuers appearing by Samuel Birs, and defenders appearing personally, the Lords find that the said sums ought not to be modified, and therefore ordain the said sums to stand in time coming. Acta 1607–8. Page 802.

Sederunt—Chancellor; Lotheane; Bishop of Ros; Bishop of Caithnes; Scone; Edzell; Advocate; Mr Petir Rollok; Fostersait;[1] Sir Johnne Arnott.

Edinburgh, 25th April.

Proclamation of a general Wapinschawing.

The King and his predecessors "haveing a speciall cair and regaird that the subjectis of this kingdome sould be sufficientlie and deulie providit with armour, and excercisit in the use and handling of thair armes," so that they might be "the mair able to defend the libertie of thair native countrey, withstand and resist all foreyne invasioun, and suppres and tred under all domestique and intestine seditioun, commotioun and insurrectioun, and utherwayes concur and hald to the Prince quhen the necessitie of thair imployment in the publict affairis of the estate did require," laws had been passed not only settling the due outfit of armour for the lieges of all ranks, but also ordaining yearly wapinschawings throughout the whole realm. The execution of these laws, however, having these divers years bygone been neglected,—"quhairby the subjectis of this cuntrey hes apprehendit sic a vane and sinister consait and imaginatioun of securitie as yf no dangeir wer at ony tyme to persew thame, and consequentlie that the use of armour wer unnecessar and neidles, albeit experience of formair ageis and the consideratioun of autentique recordis shaweth evidentlie that thair is no greatair argument of dangeir and perrell nor when a sensles securitie is generallie apprehendit and imagined,"—the Lords ordain a general wapinschawing by all the subjects of this kingdom to burgh and land to be held on 8th June next, excepting the inhabitants of the shires of Ergyll, Bute, Tarbett, Dunbartane, Renfrew, Air, Wigtoun, stewarty of Kirkcudbryght, and bailiaries of Kyle, Carrik, and Cunynghame, to burgh and land, and the city of Glasgow; who, "upoun necessair considerationis of his Heynes service [see next Act]," are to make their wapinschawing on 9th May next. Page 803. Page 804.

Proclamation to the western shires to be in readiness for service against the "rebellious and traterous subjectis" of Ireland.

Inasmuch as "certene of the rebellious and traterous subjectis of Yrland, not contenting thameselffis to leve undir that quiet and peaceable governament quhilk thai haif injoyed during the most happy reigun of oure Soverane Lord, hes of lait most treasounablie shaikin of thair obedience and allegeance to his Majestie, surprisit certane of his Heynes townis and fortressis, and with fyre and sword invadit and persewit his Majesteis faithfull and loyall subjectis, committing barbarous and beistlie cruelteis without respect to whatsomevir sex or conditioun of personis, and still prosequutis thair shamefull rebellioun and defectioun with thair haill

[1] Not recorded in the corresponding list in the *Book of Sederunts*.

Acta 1607-8. poueris and endevoiris,—quhilk rebellioun, albeit of litill begynning, having now tane hald in a nuke and corner of that cuntrey, may haif a forder grouth and progres ouer mony other pairtis of his Majesteis dominionis, and sua disturb the haill body of the estate unles a speciall cair and regaird be had to suppres the present evill and prevent all forder progres thairof,"—there is therefore order to charge all fencibles between sixty and sixteen years dwelling in burgh and landward within the bounds of Ergyll, Bute, Tarbett, Dunbartane, Renfrew, Air, Wigtoun, Kyle, Carrik, Cunynghame, and Kirkcudbrycht, with the inhabitants of the city of Glasgu, by open proclamation at the market crosses within the same, to provide themselves with arms according to their ranks, and to hold themselves in readiness to be employed in his Majesty's service for defence of their native country, as they shall be advertised by the next proclam-

Page 805. ation. There is to be attention also to the general wapinschawing ordained within the said bounds for 9th May next (see last Act), under the pains contained in the Acts of Parliament.[1]

Counsel ordered for the defence of Margaret Hartside at her trial before the Justice in Linlithgow.

Supplication by Margaret Hairtsyde, and by Johnne Buquhannane, her spouse, for his interest, as follows:—They are charged to answer before the Justice in the tolbooth of Linlithqu on 7th May next "for certane crymes." Now, albeit the Estates of Parliament have enacted that any person accused of crime may provide himself with an advocate to defend his life, honours, or lands, and albeit the petitioners have "eausit deale

[1] In this Act, and indeed also in the preceding order for a general wapinschawing, we are in the beginning of a great business which is to run through the rest of this volume, — to wit the establishment of close and peculiar relations between Scotland and Ireland in consequence of the outbreak of a new Irish Rebellion.—On the accession of James to the English throne, he had inherited Ireland in that quiet condition of subjection to English laws, and government by an English Lord Deputy and Council, in which it had been left at the close of Queen Elizabeth's reign, after the submission of the two great Irish rebel chiefs, the Earls of Tyrone and Tyrconnel. In 1607, however, these two chiefs had again been stirring, with the result that in the September of that year they had found it necessary to take flight together to Spain, spreading their denunciations of English rule in Ireland among foreign Roman Catholic powers. They had left seeds of insurrection behind them; and on the 18th of April 1608 a certain Sir Cahir O'Doherty raised the standard of revolt in Ulster by seizing a fort on Lough Foyle river and attacking and burning the town of Derry. When the news reached Dublin, Sir Arthur Chichester, the English Lord Deputy for Ireland, with the Council attending on him, bethought themselves that, among other measures for putting down the revolt, it would be well to write to the Scottish Privy Council, soliciting their co-operation, if only by way of necessary precaution against assistance from the Celts of the Western Isles of Scotland to their Celtic brethren in Ulster. Hence a letter from the Irish Lord Deputy and his Council to the Scottish Privy Council which will be found among the *Royal and Other Letters* in this volume, under date 24th April 1608. That letter was only on its way to Edinburgh when the Scottish Privy Council, by their own instinct, and on account of news of O'Doherty's rebellion which had reached them independently, also perceived the possibility of sympathy between the Western Scottish Islesmen and the Irish Rebels, and adopted the measures minuted at their present sitting of 25th April. As appears from previous entries (*ante*, p. 59, p. 61), they had been already, for purely Scottish reasons, alert again on the business of the subjugation of the Western Isles; and that business and the new Irish one were naturally now to coalesce.—For the next proceedings of the Council in consequence of the Irish news they had received see their letters to the Earls of Abercorn, Argyle, Cassillis, and others, of date 28th April 1608, among *Royal and Other Letters.*

and travill" with sundry prolocutors and advocates of the burgh of Edinburgh, yet the said prolocutors, "aganis the dewitie of thair calling," refuse to appear for their defence. The petitioners therefore humbly desire an Act for their relief.—The Lords, finding the supplication to be reasonable, ordain Mr William Oliphant, Mr Alexander King, Mr Johnne Russell, and Mr Thomas Hoip, advocates, or such other advocates as the petitioners shall choose, to appear with them at their trial and to defend them in the matter foresaid; and, as it is necessary that the said advocates confer with the petitioners before the trial "for thair bettir informatioun of the estait of thair mater," the said Lords ordain the captain of the castle of Blakness, where the petitioners now are, to grant their said advocates access to them, whenever they crave the same, before the day of trial, and also to give access to Mr William Buquhannane, minister at Methven, Mr Johnne Dalzell, burgess of Edinburgh, and Johnne Buquhannane, writer, whom the petitioners have employed as agents for them in this business.[1] Acta 1607–8. Page 806.

Edinburgh, 28th April.

Sederunt—Chancellor; Angus; Caithness; Mortoun; Lowthiane; Bishop of Ros; Scone; Halyruidhouse; Edzell; Quhittinghame; Advocate; Beulie; Comptroller; Collector; Preistfeild; Foistersait; Mr Petir Rollok; Sir James Sandielandis; Sir Lues Craig; Sir Johne Arnot; Sir Petir Young.

Decree against Alexander Spens for debt.

Complaint by David Grahame, executor to late Johnne Grahame of Holety, his tutor testamentary, for his interest, that Alexander Spence, portioner of Old Lestoun, remains unrelaxed from a horning for not paying them 100 merks as principal and 20 merks for expenses. —Complainers appearing by Archibald Douglas, defender, not appearing, is to be apprehended by the Guard, and his goods inventoried for the King's use. Page 807.

Caution for the Lairds of Bombie and Lochinvar.

Caution in £10,000 by Charles Lidderdaill of the Ile for Sir Robert M°Clellane of Bomby, that he and all for whom he is answerable will keep the peace, and not harm Sir Robert Gordoun of Lochinvar, his brothers, tenants, or servants. Caution by Murray of Cokpule in the

[1] The following, from Chambers's *Domestic Annals of Scotland* (i. 412–3), will explain this minute:—"Margaret Hertsyde had entered the service of the Queen in a humble capacity in Scotland, and, accompanying her Majesty to England, was there considerably advanced, and received from the Queen many marks of favour. Enriched with the royal liberality, she returned to her native country as a great lady, attended by her husband, John Buchanan, who had been a servant of the King. The pair attracted an invidious attention by the high airs they gave themselves, affecting by the purchase of land to become persons of quality, appearing in a carriage drawn by white horses, and apparently wholly forgetful of their humble origin. It was therefore with no great regret that the public learnt that Margaret was apprehended on suspicion of having taken jewelry from her royal mistress to the value of £400 sterling."—Balfour, in his *Annals* (ii. 26), says that Margaret had "layn longe in pressone" on this charge before our present date, and that, though theft of the Queen's jewels was her alleged offence, "the courtiers talked that it was for revealing some of the Queen's secrets to the King; which a wise chambermaid would not have done."

Acta 1607-8. Page 808.

same sum for Gordoun, that he and his men shall not harm M°Clellane, his brothers, or his men.

Charge to the Earl of Errol to enter Gordon of Gight.

Conform to the commission given to the Captain of the Guard to apprehend Gordoun of Geycht, and enter him before the Council to answer for his lying at the horn for certain offences "sclanderous to the Kirk," Johnne Dempstair and certain others of the Guard had apprehended him in the north, in the company of Frances, Earl of Errole; who, however, had prevented them from fully executing their warrant, alleging that he was a Councillor himself and would enter Gordoun before the Privy Council when charged.—There is order to charge the said Earl to enter Gordoun on June next, under pain of rebellion.

Discharge of a horse race at Peebles.

As there is "ane horse rais appointed to be at Peblis upoun the day of Maii nixt to cum, quhairunto grite nomberis of people of all qualiteis and rankis intendis to repair," and as there may be "quarrellis" among them which may lead to trouble "at thair meiting upoun the

Page 809.

feildis," the Lords discharge the said race for this year, and forbid all to assemble for it at their highest peril. Proclamation accordingly to be made at Peblis.

Decree against Vaus of Barnbarroch for debt.

Complaint by Sir Johnne Dumbar of Mochrum, that Sir Johne Vaus of Longcastell remains unrelaxed from a horning of 8th December 1607 for not paying him 2000 merks as principal and the prices of 40 bolls of victual due to him at Whitsunday and Martinmas 1607.—Complainer appearing by Archibald M°Kie, defender, not appearing, is to be appre-

Page 810.

hended by the Guard, and his goods inventoried.

Decree against Walter Scott for debt.

Complaint by Alexander Lowes, merchant in Edinburgh, that Waltir Scot of Goldilandis remains unrelaxed from a horning of 31st March for not paying him 26s. 8d. Scots in value for each of 200 "guidlanes" Flemish money, as principal, and £30 for expenses.—Complainer appearing personally, decree as above against defender.

Decree against John Aitken for debt.

Complaint by Gilbert Robertsoun, writer in Edinburgh, and Johnne

Page 811.

Robertsoun, elder, burgess of Perth, that Johne Aitkin, burgess of Culrois, remains unrelaxed from a horning of 30th March last for not paying the said Gilbert £100, and from a horning of 27th August 1606 for not paying the said Johnne £112 as principal and £10 for expenses.—Gilbert appearing for himself and for the said Johnne, decree as above against defender.

Decree against Alexander Blackburn and others for debt.

Complaint by William Scot, procurator-fiscal of Irwing, that Alexander

Page 812.

Blaikburne in Fairlie, David and Patrik Aitkins, brothers, there, Williame Thomesoun there, Stevin Wilsoun in Largis, Johnne Dunlop beyond the "Goit" there, Gilbert Hunter in Blok, Johnne Robesoun in Saltcoitis, James Robesoun, his brother, there, and Johnne Or in Fairlie, remain unrelaxed from a horning of 20th December 1599 for not paying him, in name of the said burgh, 100 merks each, conform to their acts of caution. —Complainer appearing by Archibald Douglas, decree as above against defenders.

Charge for personal

The feud between James Haitlie, now of Mellirstanes, and Mr James

appearance of the Homes and the Haitlies before the Council in token of their reconciliation.

Home of Ecclis, on account of the slaughter of Johnne Haitlie of Mellir- Acta 1607-8. Page 813.
stanes, having been removed by a decree arbitral pronounced by his Majesty, but it being necessary, for due effect to this decree, and in order that "all grudge and elist quhilk the kin and freindis of the said James Haitlie pretendis for that slauchter may be lykewyse removit," that the parties be reconciled in presence of the Council, there is order therefore to charge Mr James Home of Ecclis and Mr William Home of , on the one part, and Sir Johnne Home of Coldenknowis, and William Naper, burgess of Edinburgh, curators to the said James Haitlie, Andro Haitlie of Sneip, Sir Edmestoun of that Ilk, Sir Johnne Ker of Hirsale, Johnne Mow of that Ilk, Alexander Haitlie of Lambden, Alexander Haitlie of Haliburtoun, Alexander Haitlie of Hardlaw, Robert Haitlie of Plewland, Andro Haitlie, brother of the Laird of Mellirstanes, Mark Haitlie of Fawnis, and Henry Mellirstanes, on the other part, to appear, under pain of rebellion, before the Council on 12th May next, and there to "chop handis togidder."

Presbytery of Peebles discharged from certain proceedings against Alexander Tait in the matter of a burial in the kirk of Innerleithen.

Complaint by Alexander Tait, younger of Pirne, as follows:—The presbytery of Peblis have charged him, under pain of excommunication, to raise the corpse of George Tait of Innerlethane, buried six weeks ago in the kirk of Innerlethane. Now, (1) complainer merely assisted with many others at the said burial, and had no farther dealing therein; (2) it is "aganis christeane cheritie and humanitie to rais the corps of the deid" after it has been six weeks in the grave; (3) "it will not ly in the said complenairis power to get that corps reasit, becaus he is bot ane mean man of little or no friendship, and the said umquhill George hes a nomber of freindis about the said kirk quhò will not suffer him to rais the said corps." Wherefore, the said presbytery should be discharged from all proceeding against complainer.—Charge had been given to Mr Archibald Page 814.
Douglas, parson of Peblis, Mr James Logane, Mr David Nairne, Mr Gawin M'Call, Mr Robert Levingstoun, Johnne Syde, Gilbert Tailyeour, Patrik Sandirsoun, and Johnne Ker, all ministers of the said presbytery, to answer this day; and now, complainer appearing, but none of the defenders, the Lords discharge them of all proceeding against complainer, without prejudice, however, to their right to pursue him for violation of any of their acts in burying the dead in the kirk.

Royal proclamation against supplying the rebels in Ireland with victuals or ammunition.

Order by his Majesty, given at Whitehall 30th April, to the following effect:—Whereas a "few rebellis" in the north of his Majesty's kingdom of Ireland have lately made "some insurrectioun" and burnt the town of Dereye and the Castle of Kilmoire (*ante*, p. 79, footnote), which they cannot hold for any long time unless supplied with victuals from other quarters, his Majesty, although "suirlie perswaidit" that none of his good subjects of Scotland "upoun knawledge of this thair rebellioun will any way be aiding or supplieing of these rebellis," yet, "als wele to certifie the same to all oure people there as to foirwairne these who will be undewtifullie disposed of thair dew guerdoun and rewaird that they sall ressave," commands open proclamation to be made at

Acta 1607-8. Glasgow, Dunbertane, Inuerraray, Renfrew, Irwing, Air, Wigtoun, and Kirkcudbricht, forbidding all subjects, especially inhabitants of the burghs, to furnish or export to the said rebels any victual, powder, bullet, armour,
Page 815. or munition, under pain of death and confiscation of all their goods. The magistrates of the said burghs, and the customers and searchers at every port and harbour in those bounds, are to "to be cairfull in the tryall of the breach of this oure proclamatioun."

Royal proclamation for taking Lord Maxwell, alive or dead.

Lord Maxwell, over and above his former acts of treason, having lately "in a moist filthy and detestable maner schamefullie murderit Sir James Johnnstoun of Dunskellie, knycht, who did come and meit him upoun particulair trust, assuirance, and credite gevin by the said Lord Maxwell for the said Sir James his indemnitie and at his earnest requist and desyre, schawing himselff thairin to be void of all treuth, honnestie, and faith, being unworthy to breath ony way but to be punished," his Majesty, lest the said Lord should "preis to eschaip by depairting in some schip or bark to any pairtis beyond say," commands proclamation to be made at the head burghs, sea towns, and chief ports, charging all captains, skippers, or mariners not to receive him on board their vessels, under pain of death
Page 816. and confiscation of the vessel with all her goods. All officers and ministers of the law are to make "exact search" for him within their jurisdictions, "and to tak him athir alife, or, gif he be killed in making resistance, that thay than do keip his corps untill suche tyme as thay certifie oure Counsale of the same."

Edinburgh, 2nd May.

Charge for keeping the peace between the Lairds of Lundy and Largo.

There having been "verie grite insolenceis and folyis" between Lundy of that Ilk, Sir James Lundy, his uncle, and James Lundy in Balcormokmill, on the one part, and Andro Wood, apparent of Largo, on the other part, especially in their assembling the lieges in arms and, "in tumultuous and bragging maner" coming to the kirk of Largo, their parish kirk, on Sundays before noon in time of sermon, and there making mutual "provocatioun of offence"—whereby the minister of the said kirk had been "forcit to dismise the people quha wer convenit to the preaching, and to imploy that tyme appointit for the preaching in staying
Page 817. of trouble,"—there is order to charge both parties to answer on 12th instant, under pain of rebellion, and in the meantime to keep the peace and not to repair to the said kirk, the lairds of Largo and Lundy under the pain of 5000 merks each and each of the others under the pain of 1000 merks.

Edinburgh, 4th May.

Sederunt—Chancellor; Caithnes; Edzell; Advocate; Mr Petir Rollok; Sir Lues Craig; Sir Petir Young; Sir Johne Arnot.

[No record of proceedings.]

Edinburgh, 5th May.

Sederunt—Ut in die predicto, unacum Collectore Generali.

Decree against Matthew Finlayson for debt and non-restoration of certain lands.

Complaint by James Wynrahame, writer, donator to all the escheat goods of the late Elizabeth Winrahame, relict of Johnne Abernethy, that Mathew Finlasoun of Killeith remains unrelaxed from a horning of 26th May 1604 for not restoring him to the possession of three husbandlands and a cotland, lying in Over Saltoun, out of which the said Isobell had been violently ejected by the said Mathew; and for not paying him the yearly profits of the said lands, and also the price of certain corns spuilyied from the said Issobell, extending to £2410, as specified in a decree obtained by the complainer against the defender before the Lords of Council and Session, together with £12 for expenses of the plea.—Complainer appearing personally, defender, not appearing, is to be apprehended by the Guard, and his goods inventoried for his Majesty's use. Acta 1607-8. Page 818.

Sir Bevis Bilmure's patent.

Order to Alexander, Earl of Dunfermling, chancellor, to append the great seal to the signature of the King, dated at Whitehall 25th April 1608, appointing Sir Bewes Bilmoir master and surveyor of the earth works of the lately discovered silver mine (*ante*, p. 64).

Charge to Mr David Home and Mr Patrick Henderson to answer anent Mr John Murray's published sermon.

As the Lords are informed that Mr Johnne Murray, minister at Leith, "delyverit copyis of that impertinent sermone preached by him at a provinceall meiting in Edinburgh to Mr David Home in Goddiscroft and Mr Patrik Hendirsoun," and as, "seing the publischeing and imprenting of that sermone is altogidder denyit be the said Mr Johnne," it is evident "that the saidis Mr David Home and Mr Patrik Hendirsoun must neidis know how it wes publischet and by quhome it wes imprented," there is order to charge Home and Hendirsoun to answer before the Council on 12th instant, under pain of rebellion.—Connect with Royal Letter of 30th April 1608.[1] Page 819

Edinburgh, 10th May.

Charge to William MacLellan.

Although, in consequence of the "trouble" fallen out between James Gordoun and William M°Clellane, their brothers Sir Robert Gordoun and Sir Robert M°Clellane had found caution in £10,000 each that they and their men should keep the peace towards one another (*ante*, p. 80), yet the said William, presuming that this caution will not extend to him, because he is not in household with his said brother, "intendis to brek louse," and so to give new occasion of trouble. There is order, therefore, to charge him to appear before the Council on , to answer for keeping the peace, under pain of rebellion. Page 820.

Edinburgh, 12th May.

Sederunt—Chancellor; Angus; Crawfurd; Mortoun; Wyntoun; Abircorne; Perth; Lowthiane; Uchiltrie; Torphechin; Blantyre;

[1] Of the two persons here mentioned as friends of Mr John Murray of Leith, and as probably knowing something of the manner in which his sermon had got into print, one, David Hume of Godscroft, is remembered now for his *History of the House of Douglas*, not published till 1644, about fourteen years after the author's death. At our present date he was already somewhat of a veteran, and well-known about Edinburgh for his Presbyterian principles and interest in all public affairs. The other, Mr Patrick Henderson, was probably a person of that name who is heard of as "reader" and "master of the Song School" in Edinburgh, and also an energetic Presbyterian.

Acta 1607–8.

Halyruidhous; Bishop of Ros; Master of Elphingstoun; Edzell; Quhittinghame; Comptroller; Advocate; Collector; Clerk of Register; Mr Petir Rollok; Preistfeild; Foistersait; Sir James Sandielandis; Sir Johnne Arnot; Sir Petir Young.

Andrew Anderson against Lundy of Gorthy and his son for oppression and assault.

Complaint by Andro Andirsoun in the Newtoun of Gorty that, on 11th April last, George Lundy, younger of Gorty, and George Lundy, his son, with others, came to the complainer's house, broke up the doors, struck him on the head "with ane grite fork," felled him, and then removed him furth of his said house, intruded themselves therein, and seized all his
Page 821. goods, which they still hold.—Both parties appearing, the Lords remit the complaint to the proper judge.

Decree against Seton of Parbroth for debt.

Complaint by James Hoppringle, brother of George Hoppringle of Torwodlie, that George Seytoun of Parbroith, and Mr William Echline, apparent of Pittadro, remain unrelaxed from a horning of 25th March last for not paying him £1000.—Charge had been given to Seytoun to answer; and now, complainer appearing personally, defender, not appearing, is to be apprehended by the Guard, and his goods inventoried.

Charge for the election of a provost of Dumfries in room of the Laird of Closeburn.

Page 822. Sir Thomas Kirkpatrik of Closburne having, "by mony ncessear occasionis and considerationis of his service and attendance at courte," withdrawn from the provostship of Drumfreis, and the inhabitants thereof having thus become "moir cairles and insolent and moir forgetfull of thair dewtyis nor utherwyse thay wald have bene,—whereby mony insolenceis hes fallin oute within the said burgh," especially the frequent reset in it of Lord Maxwell,—there is order to charge all having vote in the election of the magistrates of the said burgh to elect, within six days after being charged, under pain of rebellion, some loyal person to be their provost for this year, and not an adherent of Lord Maxwell.

Decree against Stewart of Craigyhall for debt.

Page 823. Complaint by Thomas Fischer, merchant, burgess of Edinburgh, that Hary Stewart of Cragyhall remains unrelaxed from a horning of 17th April last for not paying him £1000 as principal and £100 for expenses.—Complainer appearing by Archibald Dowglas, defender, for not appearing, is to be apprehended by the Guard, and his goods inventoried.

Order to denounce certain persons for resetting Lord Maxwell.

Complaint by Sir Thomas Hammiltoun, for his Majesty's interest, that, notwithstanding the proclamations against reset of Lord Maxwell and Robert Maxwell of Dynwiddie, yet Johne Douglas, sometime in Craigmoy, Johnne Cunynghame in , Edward Maxwell of Caigtoun, Johnne Greir, swordslipper in Drumfreis, Redick in Or, William Dowglas
Page 824. of Lynclowden, Malcome Dalrumple of Wattirsyde, Gilbert Greir of Nether Keir, George Douglas, brother of the Laird of Pinyerie, Thomas Edzer of the Holme, Chairlis Maxwell of Conhaith, and Archibald Maxwell of Cowhill, almost daily keep company with the said rebels, reset and entertain them in their houses, and ride with them, armed with hagbuts and pistolets.—Charge had been given to the said persons, except Cunynghame, Redick, Chairlis Maxwell, and Archibald Maxwell, to answer; and now, the Advocate appearing, and said Gilbert Greir,

Dalrumple, and Edzer being also present, but the other defenders not appearing, the Lords assoilzie Malcome Dalrumple and Gilbert Greir, because they have given their great oath that the charge is not true, but ordain them to find caution in £500 each not to reset the said rebels hereafter. They decern Thomas Edzer to be committed to ward in the tolbooth of Edinburgh, because he has admitted that, 14 weeks ago, Lord Maxwell, accompanied by Softlay, his man, had stayed one night in his house against his will, and ordain him to give his own band in 100 merks not to reset any of the said rebels again. The absent defenders are to be denounced rebels. Caution by Greir for Dalrumple, *et vice versa*, to the effect foresaid, and band by Edzer for himself in 100 merks. Acta 1607–8. Page 825.

Prosecution of certain inhabitants of Dumfries for assaulting and mobbing the Captain of the Guard and his company while on service in the said town.

Complaint by Sir Thomas Hammiltoun, for his Majesty's interest, as follows:—Sir William Cranstoun, captain of the garrison, and certain others having been directed to repair to the burgh of Drumfreis and other places in Nithisdaill on 2nd instant, for performance of "some speciall service" entrusted to them by the Council, the inhabitants of the said burgh, falsely conceiving that he was Lord Maxwell's "unfreind," had resolved "that day in a confusit commotioun and tumult to tak his lyf." For this effect they had appointed "a May play" to take place that day, and ordained all the inhabitants of the town, armed with musket, hagbut, and pistolet, and provided with powder and bullet, to be ready the said day for executing their "detestable purpois." Accordingly, as soon as Cranstoun came to the said town, the whole inhabitants, "being in the fieldis and pretending onlie to mak thair pastyme on the feildis, haistit hame with all diligence to the toun and come directlie to the house quhair the said Sir William wes takand some refreschement,—his haill company with thair horssis being standing upoun the calsay foiranent the said house,"—and there stood in arms till the following persons, "appointed to mak the provocatioun," began the tumult: viz. Johnne Padyeane, Johnne Bryce, younger, Thome Welsche, called Lang Thome, Johnne Irwing, younger, son of William Irwing, merchant, Johnne Irwing, son of Johnne Irwing in Lowmabengait, Hob Batie in Drumfreis, Thomas Padyean in Sandrum, and William Baillie. These persons, after pretending many quarrels and making challenges to the horse, at last commenced the tumult by crying "'*a labrone*',—quhilk is the slughorne of the toun." Whereupon Johnne Corsane, Roger Kirkpatrik, and Harbert Kirkmyre, bailies of the town, gave the like sign to the multitude "be crying '*a labrone.*'" On hearing this, the "haill multitude and body of the toun quhilk was standing rankit in battell array" rushed violently on the said Sir William and his company, discharged 40 or 50 shots of muskets at them, slew 3 or 4 horses, and would have massacred him and his company if he had not made himself master of the ports and so escaped.—The pursuer appearing personally, and the said Johnne Corsane, Roger Kirkpatrik, Johnne Bryce, Johnne Irwing in Lochmabengait, Johnne Padyeane, Johnne Irwing, younger, and Hob Batie, being also present, but the said Harbert Birkmyre, Thomas Welsche, William Baillie, and Thomas Padyeane failing to appear, the Lords find Page 826. Page 827. Page 828.

Acta 1607-8.

that the said Johnne Padyeane and Johnne Irwing were chief actors of the "insolence foirsaid," that Padyeane challenged the horse, and that Irwing pursued Sir William Cranston's son with a drawn sword, and therefore ordain both to be committed to ward in the tolbooth of Edinburgh, Padyeane be there laid in irons. They further ordain the said Johnne Corsane and Roger Kirkpatrik to go home and appear again on 26th instant, under pain of rebellion, bringing with them the said Harbert Birkmyre, Thomas Welsche, Thomas Gowdy, William Couthird, Johnne Blaiklock, William Bretoun, and William M^cEwne, tailor, suspected to have been "actouris in the insolence foirsaid." The absent defenders, viz. Harbert Birkmyre, Thomas Welsche, William Baillie, and Thomas Padyean, are to be denounced rebels.

Edinburgh, 17th May.

Sederunt—Chancellor; Angus; Craufurd; Cassillis; Abircorne; Bishop of Ros; Bishop of the Isles; President; Uchiltrie; Lovat; Blantyre; Halyruidhouse; Privy Seal; Advocate; Collector; Quhittinghame; Kilsyth; Balvaird; Mr Petir Rollok; Sir Lues Craig; Foistersait; Sir Johne Arnot; Sir Petir Young; Mr William Hairt.

Charge to Mr Patrick Henderson anent Mr John Murray's "impertinent sermone."

Page 829.

Mr Patrik Hendersoun, appearing, as charged, to answer anent the printing and publishing of Mr Johnne Murray's "impertinent sermone" (*ante*, p. 84), depones that, about half a year ago, Murray gave him "a copie of that sermone to write over"; that he wrote three copies thereof and delivered them all to Murray, retaining for himself the "principall copie" only; that he never showed the copy he retained to any one but Mr Adam Colt; that he remained with Colt till Colt had read the same, "and then immediatlie tuke it fra him agane"; and that he knows nothing of the printing thereof, and never saw any of the printed copies but one in Murray's hands which was "send doun frome his Majestie."—The Lords ordain Hendersoun to produce before them on the next Council day the copy foresaid received by him from Murray.

Warrant for apprehending Jesuits repairing to Edinburgh.

Page 830.

Being informed that divers Jesuits and excommunicated papists repair "verie frequentlie" to Edinburgh and there have meetings with others of their professioun, "with the publict exercise of thair popische and fals religioun," the Lords ordain the bailies of Edinburgh to apprehend such persons wherever found within their liberty, and hold them in "suir firmance and captivitie" till the Council give order anent them.

Gordon of Lochinvar sued for manslaughter.

Order to Sir Thomas Hammiltoun of Bynnie, King's Advocate, to libel a summons against Sir Johnne [? Robert] Gordoun of Lochinvar for his appearance before the Justice to answer for the slaughter of Gordoun, his page (see vol. vii. p. 435).

Charge to Mr Gilbert Brown to answer for returning from exile and propagating his popish errors.

Notwithstanding the caution found for Mr Gilbert Broun, sometime abbot of Newabbay, not to return from banishment without his Majesty's license, he is now in Nithisdaill and Galloway, where he "imployis his haill studie and travellis to seduce and persuade the simple ignorant

people within these boundis to schaik af religioun and obedyence to thair Prince, and to imbrace his popische errouris and opinioun." There is therefore order to charge him, by proclamation at the market cross of Drumfreis if he cannot be personally apprehended, to answer before the Council on , under pain of rebellion. Acta 1607–8.

Assurance between the Lairds of Horsburgh and Gledstanes.

In consequence of the "variance" between Alexander Horsburgh of that Ilk, his kin and friends, on the one part, and Gledstanes of that Ilk and Halden of that Ilk, their kin and friends, on the other part, there is order to charge the said parties, under pain of rebellion, to subscribe such form of assurance as shall be presented to them, to endure till 1st May 1609, and to find caution, each in £3000, for keeping the same inviolate. Page 831.

Decree against Robert Grahame for debt.

Complaint by Andrew Callum in the burgh of Edinburgh, that Robert Grahame of Thornik remains unrelaxed from a horning of 2nd March 1607 for not paying him 500 merks as principal and 100 merks for expenses.—Complainer appearing personally, defender, for not appearing, is to be apprehended by the Guard, and his goods inventoried. Page 832.

Andrew Whyte against George Gillespie and others for assault.

Complaint by Andro Quhyte, servitor to David Lindsay, keeper of the tolbooth of Edinburgh, that on 1st June last George Gillespie in Mitchelslaikis, Johne Gillespie in Hoilhous, and James Gillespie there, with other broken men, to the number of forty, all well horsed and armed with jacks, lances, platesleeves, swords, gauntlets, and steel bonnets, forgathering with complainer on Mortoun Mure, "feirslie set upoun him," and, "with ane lance ran him in the womb" and "strak him fra his horse."—Complainer appearing personally, defenders, for not appearing, are to be denounced rebels.

Decree against Thomas Gledstones for debt.

Complaint by George Welsche, merchant, burgess of Edinburgh, that Thomas Gledstones, elder, burgess of Kirkcudbrycht, remains unrelaxed from hornings of 10th August and 8th April last for not paying him £150, 7s. as principal and £30 for expenses, and also £123 as principal and £30 for expenses.—Complainer appearing by Archibald Douglas, defender, for not appearing, is to be apprehended by the Guard, and his goods inventoried. Page 833.

David Maxwell and others against John Charteris and others for violence.

Complaint by David Maxwell in the Treifgrange, James, Thomas, Johnne, and Donald M'Gownis there, and Johnne Ahannay there, as follows:—In March last, while they were ploughing and harrowing their said lands, Robert Charteris in Cra, Johnne Charteris, his brother, Johnne Charteris in Over Cra, Archibald Charteris, his brother, Nicoll M'Gie in Bolmagie, M'Cartnay in Tynnenes, with others, all armed with swords, gauntlets, platesleeves, jacks, and lances, without any cause, set upon them, wounded the said David and left him for dead, chased James M'Gowne to the water of Die and would have slain him if he had not "laip in ane fischer bote and corsit the said river," and then returned to the other complainers and would have slain them but that by "thair awne bettir speid they fled."—Charge had been given to Johnne Chartreis, brother of Robert, Johnne Chartreis in Over Cra, and Archibald Page 834.

Acta 1607–8. Page 835. Chartreis, his brother, to answer; and now, the said James McGowne appearing, defenders, for not appearing, are to be denounced rebels.

Decree against Campbell of Ardkinlass and others for debt.

Complaint by Sir George Elphingstoun of Blythiswood, that Sir Johnne Campbell of Ardkinglas, as principal, and William Ritchie in Mekle Ros and Donnald Smyth in Little Ros, as sureties, remain unrelaxed from hornings of 2nd, 4th, and 5th April last for not paying him £666, 13s. 4d. as principal and £100 for expenses, and that the said Sir Johnne and Duncane Campbell of Auchwillane remain unrelaxed from a horning of 2nd April last for not paying him 1000 merks as principal and £100 for expenses.—Complainer appearing by Archibald Douglas, defenders, for not

Page 836. appearing, are to be apprehended by the Guard, and their goods inventoried.

Ninian and James Gilhagie against Andrew Angus and others for assault and oppression.

Complaint by Niniane Gilhagie, merchant, burgess of Glasgow, and James Gilhagie in Kendiehill, his brother, as follows:—Upon 22nd April last, Andro Angus, merchant, burgess of Glasgow, "persaveing that the said Niniane had repairit airlie in the morning to the kirk of the said burgh for humbling of himselff that day before his God," resolved "to execute his privat grudge aganis him," and, in order that he might the better escape after the deed, "had ane saidled horse led up and doun besyde him in reddynes." As soon, therefore, as the said Niniane came out of the kirk, Angus pursued him for his life with a drawn rapier sword, chased him to his own house, "and in the entrie of his awne stair gaif him a grit stryk in the braue of the rycht leg." Again, upon 23rd April last, the defender, learning that the said James Gilhagie was by the Brig of Glasgow on his way to Nether Pollok, and having associated to himself William Pettigrew, tailor, and James, son of William Robesoun, merchant, with others, all armed with swords, gauntlets, and platesleeves, came to the "yond end of the said Brig," where they "dernit thameselffis in a secrite place," fiercely attacked the said James as he was passing, and would have slain him but for the "help of some good people."—Complainers

Page 837. appearing personally, and said Andro Angus and James Robsoun being also present, the Lords remit the matter to the magistrates of Glasgow as ordinary judges.

Andrew Angus against James Gilhagie for assault.

Complaint by the said Andro Angus that, upon 23rd April last, the said James Gilhagie, understanding that complainer was to go to the burgh of Air, came, accompanied by James Andirsoun, son of Andro Andirsoun, officer, and Johnne Gilhagie, all armed with swords, gauntlets, steelbonnets, and Jedburgh staves, waylaid complainer on the highway, "strak a verie lang space at him," and would have slain him but that by the help of some

Page 838. people he escaped.—Both parties appearing, the Lords remit the matter to the bailies either of the regality of Glasgow or of the city of Glasgow.

Lord Sinclair against Patrick Sinclair, his uncle.

Complaint by Patrik, Lord Sinclair, and his curators, that, albeit the castle of Ravinsheuch, lying within the shire of Fyff, pertains to him heritably, Patrik Sinclair, his uncle, has withheld from him the said place these divers years, and will not deliver the same to him unless compelled.

Page 839. —Both parties appearing, the Lords decern defender to render the said fortalice to complainer.

Decree against Sir John Boswell and Sir Andrew Balfour for debt.

Complaint by Sir Mungo Murray of Drumcarne, that Sir Johnne Boiswele of Balmowto and Sir Andrew Balfoure of Montquhany remain unrelaxed from a horning of 10th instant for not paying him 4600 merks.—Complainer appearing by Sir Robert Hepburne, defenders, for not appearing, are to be apprehended by the Guard, and their goods inventoried for the King's use. Acta 1607–8. Page 840.

Edinburgh, 19th May.

Sederunt—Chancellor; Angus; Craufurd; Mortoun; Cassillis; Glencairne; Wyntoun; Abircorne; Perth; Lowthiane; Bishop of the Isles; Bishop of Ros; President; Saltoun; Uchiltrie; Lovat; Scone; Blantyre; Halyruidhous; Constable of Dundie; Quhittinghame; Kilsyth; Comptroller; Privy Seal; Justice Clerk; Advocate; Collector; Clerk of Register; Mr Petir Rollok; Sir Alexander Drummond; Sir Lues Craig; Sir James Sandilandis; Mr William Hairt.

Suspension of horning against Alexander Leslie.

Complaint by Alexander Leslie, brother of Johnne Leslie of Pitcaple, that he is put to the horn, at the instance of Sir Thomas Hammiltoun for the King's interest, and of Johnne Leith of Harthill, and Patrik, Mr George, and Mr William Leithis, his sons, for not answering touching his alleged wearing of hagbuts and pistolets and invading Leith and his sons. Now, if he had been lawfully charged, he would have appeared and purged himself; and, as he found caution in £500 to answer this day, the horning should be suspended.—Pursuer appearing, but none of the defenders, the Lords do suspend the said horning. Page 841.

To denounce certain persons for resetting Lord Maxwell.

Complaint by Sir Thomas Hammiltoun, for his Majesty's interest, that, notwithstanding the proclamations made at the market crosses of Edinburgh and Drumfreis discharging all and sundry from resetting or intercommuning with Johnne, Lord Maxwell, yet Charlis Maxwell of Kirkhouse, Chairlis and Edward Maxwell, brothers of Maxwell of Conhaith, James Maxwell, brother of the Goodman of Logane, Archibald Maxwell, brother of the Laird of Cowhill, Johnne Maxwell, brother natural of the said Laird, Edward Maxwell, son of Maxwell of Tynwele, Robert Storie, Thomas Softlaw, Jok Maxwell, called Robert's Jok, William Irwing, called Gib's Geordie's Willie, Robert Armestrang of Kynmonth, called Jok's Rob, Cristie Airmestrang, called Geordie's Cristie of Kirtilheid, Robert Grahame of Howend, David Batiesoun of Tanlahill, William Douglas of Pinyerie, William Jerdane of Thornik, James Jerdane in Powtane, Thomas Jerdane of Birnok, Adam Irwing, called of the Burne, Johnne M°Brair, and Robert Maxwell of Dinwiddie, reset and intercommune daily with the said Lord, and attend upon him as his ordinary garrison.—Pursuer appearing personally, defenders, for not appearing, are to be denounced rebels. Page 842. Page 843.

Decree against GeorgeOustean and John Henderson for debt.

Complaint by Johnne Carketle, brother of Patrik Carketle of Over Libbertoun, that George Oisteane, son of the late George Oistiane, merchant burgess of Edinburgh, and Johnne Hendirsoun, son of the late

Acta 1607-8. Johnne Hendirsoun, merchant, burgess there, remain unrelaxed from a horning of 12th April last for not paying him £42 as principal and £6
Page 844. for expenses.—Complainer appearing personally, defenders, for not appearing, are to be apprehended by the Guard, and their goods inventoried.

Decree against John Strang and William Douglas for debt.

Complaint by Andro Plumbar, writer, that Johnne Strang, elder of Balcaskie, and William Douglas, burgess of Jedburgh, remain unrelaxed from hornings of 29th and 1st June and February last, Strang for not paying him £60 as principal, £10 for expenses, and 40s. of collector silver, and Douglas for not relieving him of the caution mentioned in the letters of horning by paying him 100 merks as principal and 40 merks for
Page 845. expenses.—Complainer appearing personally, decree as above against defenders,

Suspension of horning against Patrick and Mr George Leith.

Complaint by Patrik and Mr George Leithis, sons of Johnne Leith of Harthill, that they are put to the horn by Johnne Leslie of Wairdes, William and Normond Lesleis, his brothers, Normond Leslie, burgess of Inverurie, and Johnne Mortymer, burgess of Abirdene, for not finding caution, each in £500, in the Books of Secret Council for their indemnity. Now, as the copy of the charge "wes sua obscuir writtin" that they could not discern whether to find caution in the Books of Secret Council or in the Books of Session, they had found the said caution in the latter Books to Adam Couper, clerk to the Lords of Council and Session. As this proceeded not from "contempt" of the Privy Council, but from the obscure writing of the charge, as said is, and as they have now found caution in the Books of Secret Council, the said horning should be suspended.—
Page 846. Pursuers appearing by Robert Auchinleck, but none of defenders appearing, the Lords do suspend the said horning.

Decree against David Sibbald for debt.

Complaint by Gilbert Hay, merchant, burgess of Edinburgh, that David Sibbald of Lethame remains unrelaxed from a horning of 29th December 1607 for not paying him £32 as principal and £12 for expenses.—Complainer appearing personally, defender, not appearing, is to be apprehended by the Captain of the Guard, and his goods inventoried.

Page 847. Umphray Gray against William Thomson for assault.

Resumption of the action at the instance of Umphra Gray, merchant, burgess of Edinburgh, against Patrik Murray, one of the Guard, and William Thomesoun, servitor to Sir Robert Hepburne, lieutenant of the Guard, for invading and assaulting complainer in his own house on the evening of Sabbath 28th February last (*ante*, p. 67).—Pursuer and Thomesoun both appearing, but Murray failing to appear, the Lords
Page 848. assoilzie Thomesoun, because by his great oath he has denied the truth of the complaint, but order the absent defender to be denounced rebel.

William Murdoch against John Dalrymple for assault. Defender assoilzied.

Complaint by William Murdoch in Monygolf, that on 8th January last, while with an officer he was executing a summons of spuilyie raised by him against Bessie Mure in Shalloch and certain others, Johnne Dalrumple, son of the said Bessie, armed with sword, whinger, gauntlet, and long "kentis," assaulted him in the town of Berjarge, felled him with a great baton,—"he being ane poore auld man past the aige of three score

and ten,"—and reft from him divers of his writs; which he still keeps.— Pursuer appearing, but not defender, the Lords, after hearing the pursuer's allegations, with the depositions of witnesses, assoilzie the defender, because pursuer has failed in his proof. Acta 1607–8. Page 849.

Commission of justiciary against William Thornton, accused of incest.

William Thornetoun, one of the parishioners of Crowden, having been apprehended on a charge of incest with Helene Urquhart, his own wife's daughter, who before had borne a child to his brother, commission of justiciary, with the usual powers, signed by the Chancellor, the Earls of Angus, Craford, Cassillis, and the Secretary, is granted to the sheriff of Abirdene, for the trial of the said William, by putting him to the knowledge of an assize. Commission. 1607–1616. Fol. 3, a.

Meeting of Convention of Estates.

The Lords having "thocht meit" that the "Estaittis assemblit to this present Conventioun" shall meet, God willing, on 20th instant, at nine hours before noon, in the Low Council House of Edinburgh, proclamation accordingly is to be made at the market cross of Edinburgh. Acta 1607–8. Page 849.

Suspension of horning against the presbytery of Ayr in the case of Alexander Kennedy.

Complaint by the presbytery of Air, as follows:—Conform to a decree obtained before the Privy Council by Alexander Kennedy, son of Hew Kennedy of Craigneill, he has charged the complainers, under pain of horning, to relax him from the sentence of excommunication pronounced against him for his "obstinat and wilfull refusaill to mak his repentance for the filthy cryme of adulterie" with dame Helene Kennedy, Lady Knokdoliane (*ante*, p. 66). Now, if the complainers had been summoned, as they ought to have been, to answer when the said decree was given, they had many reasons to propone to the contrary. For example, the said Lords "hes nevir bene in use to tak tryall yf a sentence of excommunicatioun be lauchfullie or ordourlie led, or to gif decrite or sentenceis aganis the Kirk for chairgeing of thame to relax ony person fra the proces of excommunicatioun; bot all sic relaxationis aucht to proceid frome petitioun and supplicatioun of the persone excommunicat, contening his penitence and offer of satisfactioun to the Kirk [for the crime] objectit aganis him, or then a cleir justificatioun and purgatioun of himselff of the said cryme. Quhilk hes nevir bene done be him in this caise; bot the said Alexander, miskuawing the saidis complenairis and the authoritie and jurisdictioun establischet in thair personis, hes usit all indirect meanis to liberat himselff of the censuris of the Kirk for the said cryme; quhairin the saidis complenairis proceidit not aganis him upoun naikit and bair presumptionis, bot upoun verie cleir evidence of his guyltines," as proven before the commissaries of Edinburgh. Wherefore the said letters of horning should be suspended simpliciter.—Pursuers appearing by Mr Petir Prymrois, minister at Mauchlene, and defender appearing personally, the Lords do suspend the letters of horning, for the reasons above written, and also because the said presbytery had pronounced the sentence of excommunication against the defender before any prohibition given to them to the contrary. Page 850. Page 851.

Gordon of Lochinvar.

Direction to the Advocate to libel a summons against the Laird of Lochinvar for the slaughter of his man (*ante*, p. 87). Sederunts, Fol. 60, a.

Sederunts. Fol. 60, a.

A missive letter to be written to the presbytery of Drumfreis requiring them to give up the names of the resetters of the abbot of Newabbay.[1] Ex-Abbot of Newabbey.

Acta 1607–8. Page 851.

Sederunt—Chancellor; Huntley; Angus; Craufurd; Mortoun; Glencairne; Cassillis; Wyntoun; Perth; Abircorne; Lowthiane. BISHOPS: Ros; Brechin; Isles. LORDS: Uchiltrie; Saltoun; President; Lovat; Scone; Blantyre; Halyruidhouse. OFFICERS OF ESTATE: Comptroller; Privy Seal; Justice Clerk; Advocate; Collector; Clerk of Register; Treasurer-depute. COUNCILLORS: Toungland; Quhyttinghame; Kilsyth; Balvaird; Mr Petir Rollok; Sir James Sandielandis; Foistersait; Sir Alexander Drummond; Mr William Hairt, COMMISSIONERS FOR THE SMALL BARONS: The Laird of Innerweik for Haddingtoun; the Lairds of Drummelyair and Blakbarony for Peblis; the Constable of Dundie for Forfair; the Tutor of Cromartie for Abirdeyne; the Laird of Lethintie for Perth; Sir William Cranstoun for Roxburgh; the Laird of Ardincaple for Dunbertane. COMMISSIONERS FOR THE BURGHS: Edinburgh; Perth; Dundie; Abirdene; Streveling; Air; Haddingtoun; Linlithqu; Glasgow; St Androis; Couper; Bruntiland. Edinburgh, 20th May. [Convention of Estates.]

Page 852.

The Earl of Dunfermling having signified to the Estates his Majesty's earnest desire to have the Islands reduced to "civilitie," it is agreed that a land force be furnished to act in concert with soldiers in the ships and galleys to be sent from England for bringing the Islands to obedience.—Printed in full in *Acts of Parliament*, iv. p. 404. Forces for service in the Isles.

Page 853.

Commission to the following gentlemen of the shires, with the magistrates of burghs, to fix the prices of boots and shoes twice a year in the towns underwritten:—viz. Johnne Napier of Marchinstoun and James Foullis, apparent of Colintoun, for the burgh of Edinburgh; Sir William Seytoun of Kyllismure, Mr Patrik Hepburne of Smetoun, and Levingstoun of Saltcoittis, for the burgh of Haddingtoun; Dundas of that Ilk and Sir Johnne Bruce of Kincavill, for the burgh of Linlithqu; Sir Archibald Sterling of Keir, David Rollok of Powis, and Muschett of that Ilk, for the burgh of Striveling; Sir Mathew Stewart of Mynto and Stewart of Castelmylk, for the city of Glasgow; Sir Johnne Wallace of Carnell and Campbell of Cesnok, for the burgh of Air; Blair of that Ilk and Mowat of Busbie, for the burgh of Irwing; Semple of Foulwood and Aula M°Cawla of Ardincaple, for the burgh of Dunbertane; Clapen of Carslogy and Robert Arnot of Newtoun, for the burgh of Couper in Fyff; Johnne Weymes, chamberlain of St Androis, and Andro Wood of Straruthy, for the city of St Androis; Grahame of Claverhouse and James Durehame of Pityarrow, for the burgh of Dundie; Archibald Dundas of Fingask and Mr Johnne Commissioners for fixing the prices of boots and shoes.

[1] Not recorded under this date in the Register of *Acta et Decreta*.

Moncreif, sheriff-depute of Perth, for the burgh of Perth; Forbes of Tolquhone and of Auchinhuif, for the burgh of Abirdene; Acta 1607–8.

Ogilvy of Carnowstie and James Ogilvy of Blerak, for the burgh of Banff; Nicolas Dumbar of Bogis and Johnne Innes of Leuchairis, for the burgh of Elgin; David Ros of Holme and Rory M°Kenzie of Ardafailyie, for the burgh of Invernes; Douglas of Bonjedburgh and Rutherfurd of Hundelie, for the burgh of Jedburgh; Sir Johnne Chairtres of Amisfeild and Murray of Cokpule, for the burgh of Drumfries; William M°Clellane of Auchleane and M°Clellane of Nuntoun, for the burgh of Kirkcudbrycht; Lokhairt of Lie and Bannatyne of Corhouse, for the burgh of Lanark.—Printed in *Acts of Parl.*, iv. p. 404.

Edinburgh, 21st May.

Sederunt—Chancellor; Lotheane; President; Blantyre; Halyruidhouse; Bishop of Brechin; Bishop of Ros; Bishop of the Isles; Comptroller; Advocate; Collector.

Charge to the Earls of Huntly, Angus, and Errol to enter in ward in certain towns.

As the non-fulfilment of the Act of the General Assembly held at Linlithqu in December 1606 ordaining George, Marquis of Huntley, to be confined in the burgh of Abirdene, William, Earl of Augus, in the city of Glasgow, and Frances, Earl of Erroll, in the burgh of Perth, that they might "have conferrence for the bettir resolutioun of sic heidis and pointis of thair religioun quhairof thay stand in doubt," has not only been "ane grite hinderance and stay of thair recalling frome thair errouris to the trew faith, bot hes bene ane of the caussis of the grite increse and grouth of papistis within this kingdome," there is order to command the said noblemen, within ten days after the charge, under pain of rebellion, to enter the said burghs and not to depart thence without his Majesty's license. Page 854.

Order for the arrest of all vessels lying in the harbours of this kingdom for transport of the forces to be employed in reducing the Isles.

"Forsamekle as the Estaitis of this kingdome, convenit laitlie at Edinburgh upoun the twenty day of this instant, hes found that the interpryse of the reduceing of the Yllandis of this kingdome to a perfyte and setled obedyence is verie necessar and expedient; and, efter reasoneing upoun the forme and maner of the prosequtioun of that interpryse, it is fundin that the same mon be prosequuted and followit out be the personall service of his Majesteis good subjectis to burgh and land, sua that the expeditioun quhilk wes intendit for that busynes will, God willing, hald and go fordward conforme to the proclamationis alreddy direct thairanent [*cf. ante*, p. 72–3], and the forces appointed for that effect will meit upoun the first day of Julii nixt to cum preceislie: For quhois transporte to the saidis Yllis, and for the bettir executioun of his Majesteis service, necessar it is that the haill schippis of this kingdome be prepairit and in reddynes

[1] In connexion with this account of the two pieces of business transacted at the Convention of Estates on 20th May 1608, see two Royal Letters in anticipation of the Convention, both of date 9th May, prescribing the work for the Convention; and see also the Council's Letter to his Majesty of 21st May, reporting the proceedings of the Convention. In the matter of *forces to act in concert with English ships for reducing the Isles* the Convention had proved rather reluctant, but had offered something; the King's other proposal to *stop the exportation of hides* had translated itself into a commission for fixing the prices of shoes and boots.

Acta 1607-8. to attend and await thairupoun: And thairfore ordanis letters to be direct to officeris of airmes to pas, fens, and arreist all and sindrie schipis and barkis, lyand in quhatsumevir harboryis and raidis of this kingdome, pertening to the subjectis thairof, to remane undir arreistment and be in reddynes to ressave his Majesteis subjectis and to transporte thame upoun thair reasonable expenssis to and fra the saidis Yllis,—that is to say, the schippis and barkis lyand at Leith, the coist syde of Fyff, Dundie, Monrois, Abirdene, and utheris pairtis in the North, to attend upoun the transporte of the forces appointed for the North Yllis, and the schippis, barkis, boitis, and veschellis in the West cuntrey to attend upoun the transporte of the forces appointit for the West and South Yllis,—and that the saidis schippis, barkis, boitis, and veschellis on nawyse louse nor depairt quhill this service be fullie prosequuted and performed; and, gif neid beis, to tak the saillis fra the rais of the saidis schippis, sua that thay depairt not quhill the accomplischeing of that service, as said is."

Page 855.

New issue of proclamation of the expedition for reduction of the Isles to obedience.

The King's "most royal resolutioun for reduceing of the Yllandis" having hitherto, "upon necessar occasionis of his Majesteis urgent and weghtie effairis," been delayed (*ante*, p. 72), "his sacred Majestie hes now resolved no longer to lingre and delay that busynes, bot to prosequnte the same this present yeir with his Majesteis royall pouer and forces." To this effect he had given order by proclamation that "a good nomber of his Majesteis forces in Ireland, with shipping and gallayis, weill providit with munitioun, poulder, and bullet, salbe sent to the saidis Yllis, to meit the forces of this kingdome upoun the first day of Julii nixt to cum [*ante*, p. 59], and boith concurring togidder to prosequute this service." Yet, being desirous that this service should be prosecuted "by a moderat course, as mycht be least hurtfull," he had on 20th instant convened the Estates for their advice. And now, the Estates having found the enterprise to be necessary and that the prosecution thereof ought to be "followit out according to the laws and custome of the cuntrey," so that "no forder restis bot that all his Majesteis subjectis to burgh and land be prepairit to pas fordwart, conforme to the proclamatioun" (*ante*, p. 72), the order of that proclamation is to hold good, with this difference,—that the muster of the earls, lords, barons, frecholders, and landed gentlemen dwelling within certain bounds appointed to be made at Invernes on 1st July next shall be held at Trouternes on 24th July next.

Page 856.

Page 857.

Edinburgh, 24th May.

Sederunt—Chancellor; Huntley; Crawfurd; Mortoun; Cassillis; Glencairne; Wyntoun; Home; Perth; Abircorne; Lothiane; President; Uchiltrie; Lovat; Scone; Halyruidhouse; Bishop of Ros; Bishop of the Isles; Bishop of Brechin; Comptroller; Quhittinghame; Advocate; Collector; Clerk of Register; Balvaird; Foistersait; Sir Alexander Drummond; Sir Lues Craig; Sir Johnne Arnot; Sir Petir Young.[1]

[1] In the corresponding sederunt in the *Book of Sederunts* (Fol. 60, b) Mr Petir Rollok appears among the Councillors present.

Proclamation discharging subjects meanwhile from military service abroad.

It being "uncertane quhat occasionis of service may occur boith in this intendit subdewing of the Yllis of this kingdome and in suppressing of the rebellis in Ireland," and the Lords "being unwilling that this kingdome sould be emptyed of souldiouris who ar desyrous for wageis to serve in the wearis untill suche tyme as his Heynes do know quhidder his Majestie hes ony necessitie of thair employment," there is to be discharge of all levying of soldiers in this kingdom to serve abroad till the King's licence be obtained. Proclamation accordingly to be made at the head burghs, with charge to skippers and mariners not to transport soldiers without his Majesty's warrant, under pain of death and confiscation of the ships.—Connect with one of the Royal Letters of 9th May 1608. Acta 1607–8.

Registration of a Royal Letter in the interest of the King's poor creditors, and warrant for extracting the allowances of accounts made by any of the officers of state heretofore.

As the following letter, of date Whitehall 9th May, from his Majesty to the Earl of Dunfermling, chancellor, and others of the Privy Council, is found by the Lords "to be most princelie, just, lauchfull, and charitable," they ordain the same to be registered, and command Sir Johnne Skene of Curriehill, clerk of register, to give "out the extract of all allowanceis of ony accomptis maid be ony of his Heynes officeairis heirtofore." The letter is as follows:—"The many frequent complaintis of oure poore creditouris for the unjust delay of the payment of thair debtis discontenting us much, wherein some pretence of excuise haith bene in former tymes used by oure officeairis of recept holding thameselffis no way bound to pay any creditour till such tyme as thair superexpenssis wer first payit and warrantis for that effect being first purchest undir oure hand by some of thame through importunitie: we can not bot in reason and conscience condemne the same, that any particulair subject who haif maid his whole fortanes in oure service should not rest thairwith contented, but, by the hard usage of thoose poore men who have bene our furnisheris, should enforce thame ather to gif doun the half or a grite pairt of that which is justlie dew unto thame, or than to starve and famische for want, those officeairis still assuireing thameselffis upoun thair warrant and knawing that no extract of any allowance salbe gevin,—whereby the poore ar frustrat of the ordinarie course of justice. And thairfore, to signifie unto yow how unplesaunt and grevous unto us the complaintis of those poore soules arre, we haif thoght meit to gif you a speciall and strait chairge that ye command oure Clerk of Register frome hencefoorth that he noway refuse the geveing out of the allowanceis of any accomptis maid be any of oure officeairis heirtofoir, and specialie of those accomptis maid be Sir Robert Melvill and the Lord Blantyre enduring the tyme of thair possessing of the office of thesaurarie; as lykewyse of all otheris officeairis quhatsoevir; and that nochtwithstanding quhatsoevir warrant directed heirtofoir in the contrary, in regaird that those two particularlie befoir named are fully satisfeid of whatsoevir they can clame for there super-expensis, and that otherwyse it is a mater quhich requires to be pitied, that nomberis, for the avarice of any one, sould unjustlie be defraudit of that which is thair dew, and without whiche thay cannot leive and mayntene thameselffis. And so, willing you to be cairfull heirof, we bid yow hairtlie fairwele." Page 858. Page 859.

Acta 1607-8.

The Lords, finding the following letter from his Majesty, addressed and dated as the preceding, "to be verie reasonable," ordain it to be obeyed in all time coming:—"Whereas, in many of oure directionis sent frome hense to be executed by you of oure Counsell thair, we do find some of oure services so slaklie prosequuted and utheris so crossed as we cannot but mervell frome quhense these stoppis and impedimentis do come,—every on of you apairte, ather by youre letters protesting, or at your repair hither by your speich professing, a grite forwardnes to advance oure service there, and yit quhen you are all conveyned we do find a contrary pruif,—to the effect thairfore that heirefter we be no more eludeit in beleveing to have oure services there cairfullye regairdit and oure directionis specialie and faithfullie executed, and not to be frustrat by the maligne and averse disposition of some of you (who, howevir you do pretend to be dewtifull Counsellouris, yet oftentymes do kyth direct crosseris of the progres of oure services there), We haif thoght meit and do heirby will and command you, oure Chancellair and Secretarye, that at every such tyme as any speciall poynt concerning oure service or anent oure directionis frome hense salbe moved or put to the voitis of the Counsell Table, that you than particularlie note every Counsellouris vote, quhidder it be affirmative or negative, and send unto us a trew testificat of the same undir youre handis, that so we may decern the goattis from the trew scheip, and may tak such ordoure as none injoy that place bot such as ar worthy thereof. And, heirof willing you at every occasion to acquent us, as ye will answer to us thereupoun, we bid you fairweill."

Letter from his Majesty to the Lords of Privy Council, rebuking the slackness of some of them in his service, and requiring regular information in future as to the votes of all of them individually in Council on important questions.

Sederunts, Fol. 60, b.

A petition having been given in at the instance of the Marquis of Huntley craving that the diet appointed for his compearance before the Council on 2nd June next to answer for his not communicating might be deserted, in respect he is charged by his Majesty's direction to enter in ward in the burgh of Abirdene, all the Lords present, except the Earl of Cassillis and the Bishop of the Isles, vote and grant the said petition.[1]

In favour of the Marquis of Huntly.

Acta 1607-8. Page 860.

Sederunt—Chancellor; Craufurd; Glencairne; Mortoun; Abircorne; Lotheane; President; Uchiltrie; Saltoun; Lovat; Halyruidhouse; Scone; Bewlie, comptroller; Bishop of Ros; Bishop of the Isles; Master of Elphingstoun; Privy Seal; Justice Clerk; Advocate; Collector; Clerk of Register; Constable of Dundie; Quhittinghame; Balvaird; Foistersait; Sir Lues Craig; Sir Alexander Drummond; Sir Johne Arnot; Mr William Hairt.

Edinburgh, 26th May.

Johnne Corsane, bailie of Drumfreis, appears before the Council, and enters Harbert Birkmyre, bailie, Thomas Gowdie, merchant, William Coultir, tailor, William Bretoun, merchant, and William M°Ewne, tailor, conform to the act of 12th May instant (*ante*, p. 86). He also produces a certificate for Johnne Blaiklok, tailor, attesting his "disease and inhabilitie to travell." Whereupon, the Lords, having heard that Gowdie,

Anent certain of the inhabitants of Dumfries.

[1] Not recorded in the Register of *Acta et Decreta* under this date.

Coulthird, Bretoun, and McEwne had been actors in the "insolence" committed against Sir William Cranstoun (*ante*, p. 86), ordain them to be warded in the tolbooth of Edinburgh, and command the bailies to go home and to elect a new provost, conform to the direction given to them, reporting in this matter to the said Lords by this day fifteen days. They also ordain them to enter the said day Blaiklok and Thomas Welsche to answer for their insolence. Acta 1607–8.

Assessors nominated for the trial of Margaret Hartside.

Alexander, Earl of Linlythqu, James, Earl of Abircorne, Mark, Earl of Lotheane, James, Lord of Balmerinoch, president, Mr Johnne Prestoun of Pennycuke, collector, Sir Johnne Skeue of Curriehill, clerk of register, Mr Petir Rollok of Piltoun, and Sir Petir Young of Seytoun nominated to be assessors to the Justice in the pursuit moved by the Lord Advocate against Margaret Hairtsyde, and Johnne Buquhannane, her spouse, appointed to take place in the burgh of Linlithqu on 31st instant, and to assist the justice in all questions and doubts to be proponed in that process (*ante*, p. 79, 80 n). Page 861.

Charge to certain inhabitants of Dumfries.

Being informed that in the late "commotioun" raised in Drumfreis against Sir William Cranstoun (*ante*, p. 86) Andro Swane, maltman, William Gibsoun, merchant, Edward Horner, saddler, Johnne Bryce, Johnne Murdoch, officer, Johnne Diksoun, and Johnne Crokett, burgesses of Drumfreis, and James Young in Lochmaben-gate, were chief actors, the Lords order letters to be directed charging them to answer before the Council on 7th July next, under pain of rebellion.

Charge to MacLellan of Bomby.

Sir Robert McClellane of Bomby, having "most unkyndlie consavit a privat grudge" against William McClellane of Auchleane, his kinsman, "daylie awaitis the occasioun to have the said Williames lyff." There is order therefore to charge Sir Robert to subscribe an assurance to the said Williame to endure till 1st May 1609, and to find caution in 10,000 merks to keep the same inviolate.

Act for reducing the price of meat, lately risen to an extraordinary rate.

"Forsamekle as it is undirstand to the Lordis of Secrite Counsell that the pryces of flesche sauld in the mercat of Edinburgh and utheris mercatis of the cuntrey ar of lait rissin to a extraordiner heicht and derth, quhairby the ligeis ar verie havelie hurte and prejudgeit: quhilk derth is foisterit and interteyned be the unlauchfull doingis of a number of avaritious personis, couparis and dryvairis of nolt, who, preferring thair private gayne to the commounwele, gois athorte the cuntrey and byis the haill fed bestiall that they may get within the cuntrey; sua that the flescheouris quha stayis and sellis thair flesche in oppin mercat can get nane to by bot frome thame, and consequentlie frome the secund hand, and that at sic extraordinair priceis as thir coupairis and foirstawairis pleissis to set upoun the same: whereas, gif the couparis and dryvairis of nolt wer dischairgit and nane sufferrit to by flesche bot sic flescheouris as sellis and slayis the same in the mercat, the prices thereof wald become verie moderat and ressounable: Thairfore the saidis Lordis ordanis letters to be direct chairgeing officeairis of airmis to pas, command, charge, and inhibite all and sindrie flescheouris, coupairis and dryvairis of nolt, be Page 862.

Acta 1607–8. oppin proclamatioun at the mercat croces of the heid burrowis of this realme, that thay nor nane of thame presome nor tak upoun hand to by ony fed bestiall at any tyme heirefter bot sic personis as byis the same for furnissing of thair awne houssis and quha slayis and sellis the same in oppin mercat allanerlie, undir the pane of confiscatioun of the haill beif and flesche quhilk salbe sa boght and sauld be thame aganis the meaning and tennour of this proclamation, and forder under the pane of ane thousand pundis."

Decree against Gideon Guthrie for debt.

Complaint by Bessie Barrie in Dundie, that Gedioun Guthrie in Tarbrekis remains unrelaxed from a horning of 28th November last for

Page 863. not paying her £100 as principal and £6 for expenses.—Complainer appearing by Archibald Dowglas, defender, for not appearing, is to be apprehended by the Captain of the Guard, and his goods inventoried.

Decree against John Weir for debt.

Complaint by Nicoll Ramsay of Cokpen, that Johnne Weir in Cokbrandspeth remains unrelaxed from a horning of 9th March 1607 for not paying him £3, 3s. 4d. for each of three loads of salt, 10s. per week for the coals taken up by him from each coal heugher during one year, and 6s. 8d. for each week during one year, together with the sum of £200

Page 864. for expenses.—Complainer appearing by Archibald Douglas, decree as above against defender.

Decree against Mure of Caldwell for debt.

Complaint by Mr James Raith, servitor to Alexander, Earl of Dunfermling, chancellor, that Robert Mure of Cauldwell remains unrelaxed from a horning of 29th April 1607 for not paying him £250 as principal and £40 for expenses.—Complainer appearing by Archibald Douglas, decree as above against defender.

Page 865. Decree against David Fullarton and Alexander Guthrie for debt.

Complaint by Marjorie Forrester, relict of David Cokburne, burgess of Dundie, that David Foullertoun, skipper, burgess there, and Mr Henry Foullertoun, minister at Forfer, his son, as principals, and Alexander Guthrie of Craichimylne, and Robert Watsoun, skipper, burgess of Dundie, as sureties, remain unrelaxed from a horning of 5th April last for not paying her 1000 merks as principal and 200 merks for expenses.—Charge had been given to the said minister and Guthrie to answer; and now, complainer appearing by Archibald Douglas, there is decree as above against defenders.

Relict and heirs-portioners of Elliot of Stobbs against William Scott for violence and abstraction of writs.

Complaint by Jeane Scot, relict of Gawin Ellot of Stobbis, Dorathie Ellote, spouse of George Halyburtoun of Pinnakill, Easter Ellot, spouse of Gilbert Ker of Lochtoure, and Jeane Rutherfurd, spouse of William Ellote, brother of Robert Ellot of Reidcleuch, heirs portioners of the said

Page 866. Gawin, and by their said spouses, for their interest, that, on last, William Scott, called Will of Northhouse, and Walter Scot, his brother, with others, armed with swords, gauntlets, and platesleeves, came at night to the place of Stobbis, violently intruded themselves therein, and reft all the evidents and writs of the said lands, belonging to complainers, and declare that they will burn them unless the complainers give them such satisfaction as they please to ask.—Complainers appearing by James Wrycht, William Scot, for not appearing, is to be denounced rebel.

Decree against Sir George Douglas for debt.

Complaint by Johnne Stewart, servitor to James, Earl of Murray, that Sir George Dowglas of Kirknes and Sir Robert Forrester of Strathenrie remain unrelaxed from a horning of 12th December 1606 for not paying him 1000 merks as principal and 100 merks for expenses.—Charge had been given to Douglas to answer; and now, complainer appearing personally, defender, for not appearing, is to be apprehended by the Guard, and his goods inventoried. Acta 1607-8. Page 867.

Decree against Harry Drummond and David Kininmonth for not relieving their cautioners.

Complaint by Sir George Touris of Innerleith, and Mungo M°Call, merchant, burgess of Edinburgh, that Mr Williame Echlene of Pittadro, David Kynnynmonth of that Ilk, and Harie Drummond in Edinburgh remain unrelaxed from hornings of 13th and 19th November last, Echlene for not relieving complainers at the hands of George Foullis, goldsmith, burgess there, of the payment of 6000 merks as principal and 600 merks for expenses, and Kynnymonth and Drummond for not relieving the said Sir George at the hands of Foullis of 6000 merks as principal and 600 merks for expenses.—Charge had been given to Kynnymonth and Drummond to answer; and now, complainers appearing personally, there is decree as above against defenders. Page 868.

Decree against David Beton and Alexander Lindsay for debt.

Complaint by James Betoun of Melgound, that David Betoun of Carsgowny and Alexander Lindsay of Kethik remain unrelaxed from a horning of 2nd instant for not paying him 500 merks as principal, 100 merks for registering their obligation, £20 for each charge, and 300 merks specified in their letters obligatory.—Complainer appearing by William Broun, decree as above against defenders. Page 869.

Decree against Learmonth of Dairsie for not relieving his cautioner.

Complaint by William Barclay of Drumcarrow, that James Leirmonth of Dairsie remains unrelaxed from a horning of 3rd August last for not relieving him at the hands of Johnne Ramsay, prior of Lethame, of 2000 merks as principal, with the expenses and the pains contained in his obligation.—Complainer appearing personally, decree as above against defender. Page 870.

Decree against Thomas Learmonth for debt.

Complaint by Mark Dowgall, merchant, that Thomas Leirmonth, burgess of St Androis, remains unrelaxed from a horning of 2nd instant for not relieving him of 1000 merks as principal and £100 for expenses paid as cautioner for the said Thomas to David Pringle, brother of the Laird of Torwodlie.—Complainer appearing personally, decree as above. Page 871.

Andrew and Duncan Forbes against Irvine of Drum and his brother, craving suspension of horning.

Complaint by Andro Forbes, glasswright, and Duncane Forbes, stabler, in Abirdeyne, that they are denounced at the instance of Sir Thomas Hammiltoun for the King's interest, and of Alexander Irwing of Drum, and Mr Robert Irwing, his brother, for not answering for alleged resistance to the said Mr Robert in executing a commission for the capture of the late Johnne Forbes of Corsindae, and for coming armed to the grammar school of Abirdeyne and seeking to kill two young boys, sons of the said Laird of Drum (vol. vii. p. 449). If they had been lawfully charged they would have appeared and purged themselves; and, as they found caution, in 1000 merks each, to answer this day, the horning should be suspended.—Both parties appearing, the Lords ordain the pursuers to be committed to Page 872.

Acta 1607–8. ward in the tolbooth of Edinburgh, but, in respect of their personal compearance, suspend the horning.

To denounce Robert Haitlie and others for disobedience.

Charge had been given to Mr James Home of Ecclis and Mr William Home of Graden, on the one part, and to Sir Johnne Ker of Hirsale, Alexander Haitlie of Hordlaw, Alexander Haitlie of Haliburtoun, Robert Haitlie of Plewlandis, Johnne Mow of that Ilk, Andro Edmestoun of that Ilk, Henry Haitly in Mellirstanes, Mark Haitlie in Fawnis, Andro Haitlie, brother of the late Johnne Haitlie of Mellirstanes, Andro Haitlie of Sneip,
Page 873. Marioun Lumisdane, Lady Mellirstanes, and William Naper, burgess of Edinburgh, on the other part, to appear in order to the removal of the feud between the parties for the slaughter of Johnne Haitlie of Mellirstanes (*ante*, pp. 81–2).—Home of Ecclis and Home of Graden appearing, and Haitlie of Hordlaw, Haitlie of Haliburtoun, Haitlie of Sneip, Mark Haitlie, and Sir Johnne Edmestoun also appearing, and granting a letter of slains to the Homes, but Robert Haitlie in Plewland, Henry Haitlie in Mellirstanes, Andro Haitlie, brother of the Laird, and Johnne Mow, failing to appear, the defaulters are to be denounced rebels.

Edinburgh, 30th May. Charge for assurance between Lord Ochiltree and Lord Torthorwald.

There being variance between Andro, Lord Stewart of Uchiltrie, Harie Stewart of Barskeming and Robert Stewart of , his uncles, Josias and William Stewartis, his brothers, and William Stewart, called Little William, on the one part, and James, Lord Torthorwall, on the other part, there is order to charge them, under pain of rebellion, to subscribe mutual assurances to endure till 1st June 1609, and to find caution to keep the same inviolate,—Lords Uchiltrie and Torthorwall
Page 874. in £5000 each, Hary, Robert, and Josias Stewartis in 2000 merks each, and the two William Stewartis in 1000 merks each.

Edinburgh, 2nd June.

Sederunt.—Crawfurd; Lovat; Halyruidhouse; Privy Seal; Bishop of Orknay; Collector; Clerk of Register; Quhittinghame; Sir Lues Craig; Sir Johnne Arnot.

John Walker and his spouse against James Dempster for assault and violence.

Complaint by Johnne Walker in Knokleith, and Margaret Thomesoun, his spouse, as follows:—In December last, James Dempster, apparent of Auchterles, James Dempster, his son, and Johnne Alshunder, their servant, with others, all armed with swords, gauntlets, platesleeves, and great batons, came at night to their house of Knokleith, and, without any cause, unmercifully assaulted the said Margaret, "being than grite with bairne," with great batons, "till scho fell deid to the ground and lay a-swowne a verie lang space, and thairefter wes borne to hir bed, quhairin scho lay continewalie bedfast untill scho pairtit with deid bairne." They then gave the said Johnne "mony bauch and bla straikes" and left him "for deid
Page 875. upoun the ground flore of his awne house."—Charge had been given to said James Dempster, apparent, to answer; and now, Walker appearing, defender, for not appearing, is to be denounced rebel.

Decree against Alexander Mauchan and others for debt.

Complaint by Patrik Wylie, burgess of Glasgow, that Alexander Machane in Kerspatrik, Thomas Young, portioner of Cornetoun, and Daniell Brice in Airth, remain unrelaxed from a horning of 25th March last for not paying him 100 merks at Whitsunday last, 100 merks at Martinmas thereafter, and £20 for expenses.—Complainer appearing by Archibald Dowglas, defenders, for not appearing, are to be apprehended by the Captain of the Guard, and their goods inventoried. Acta 1607–8. Page 876.

James Christison against Patrick Wemyss for assault.

Complaint by James Chrystesoun, burgess of Dysart, and Johnne Chrystesoun, his eldest son, that, on 25th instant, while the said Johnne was going from the house of Alexander Lilburne, burgess there, home to his said father's house, Patrik Weymes, son of the Lady Fairny, waylaid him at the back of James Halkheid's turnpike, and there, about midnight, with a drawn rapier in one hand and a drawn dagger in the other, set upon him, and gave him a "grite stryke in the hip," and then "grippit him in his airmes" and inflicted on him a "deidlie wound in the lisk."—James Chrystesoun appearing, defender, for not appearing, is ordered to be denounced rebel. Page 877.

Decree against Mr David Guthrie for debt.

Complaint by Mr Johnne Gairdin, minister at Barrie, that Mr David Guthrie, chamberlain of Abirbrothok, remains unrelaxed from a horning of 19th February last for not paying him 226 merks 6s. 8d. as principal, £40 for expenses, and £5 for each charge.—Complainer appearing personally, defender, for not appearing, is to be apprehended by the Guard, and his goods inventoried. Page 878.

Edinburgh, 7th June.

Sederunt—Chancellor; Mortoun; Abircorne; Lothiane; President; Forbes; Uchiltrie; Lovat; Torphechin; Scone; Halyruidhouse; Burley; Constable of Dundie; Privy Seal; Justice Clerk; Advocate; Collector; Edzell; Balvaird; Quhittinghame; Foistersait; Clerk of Register; Mr Petir Rollok; Sir Lues Craig; Logy; Sir Alexander Drummond; Sir Petir Young; Mr William Hairt.

Charge to the presbyteries of Chirnside and Duns to receive the "constant moderatouris" appointed by the Linlithgow Assembly.

As, albeit the General Assembly of the Kirk held at Linlithqu in December 1606 had nominated Johnne Clappertoun to be "constant moderatour" of the presbytery of Chirnesyde and Mr Johnne Abirnethy to be "constant moderator" of the presbytery of Jedburgh, the said presbyteries "most insolentlie" refuse to admit the said moderators, the Lords ordain charge to be given to the ministers of the said presbyteries to receive the said moderators within six hours after being commanded, under pain of rebellion, with charge also to the said moderators, when so admitted, to accept the offices under the same pain. In case both or either of the said presbyteries refuse, then the said Lords discharge them of all meetings and of all powers and jurisdiction, and exempt all the lieges from acknowledging them in any respect, "as being unworthy shismatik memberis of a Kirk." In that case, therefore, they are not again to assemble, under pain of being punished as "keipairis of unlauch- Page 879.

Acta 1607-8. full conventiclis and meitingis," and also under pain of rebellion.—Connect with a Royal Letter of date 31st May 1608.

Charge to the magistrates of Aberdeen as to certain goods left in pawn there.

Complaint has been made to his Majesty by the ambassador resident with his Highness for the Archdukes that, a certain Captain Johnne Clarisser, commanding a ship belonging to the Archdukes, having in April 1607 left in the burgh of Aberdene "twa peceis of brasse in pawne of certane
Page 880. money borrowit by him thair," and the said money having been repaid as appointed, yet George Collisoun, Englishman, "pretending some losse sustenit be him through his imprisonement at Dunkirk, causit arreist the saidis twa peceis,—quhairby the samen hes bene detenit." Inasmuch as "suche formes ar not used bot in cais of *denegata justicia*," the Lords ordain letters to be directed charging the provost and bailies of Abirdene, and other keepers of the said pieces, to deliver them to the said captain or his procurator, within three days after the charge, under pain of rebellion.—Connect with a Royal Letter of date 31st May 1608.

Summons to Mr David Calderwood and other ministers of the presbytery of Jedburgh for refusing to recognise the Bishop of Orkney as visitor of Merse and Teviotdale.

"Forsamekle as it is undirstand to the Lordis of Secrite Counsale that, in the lait visitatioun of the kirkis within the boundis of Mers and Teviotdaill by the reverend father in God, James, Bischop of Orknay, Mr David Calderwood, Mr Johnne Boyll, and George Johnnstoun, ministers within the presbiterie of Jedburgh, without regaird to that dewtye quhilk become thame to beir to thair superiouris, did in most insolent maner refuse to be tryit by him, who wes commissionair specialie appointed for the said visitatioun, and wald in no cais submitt thameselffis according to the warrand of the Generall Assemblie and of his Heynes command interponit thairto,—gevand thairby a most evill example for every one to contempne and misregaird all forme of reule and discipline (whiche is ane offence so heynous as, gif that it be not examplarlie punist, thair neidis no forder dewtye nor obedyence to be ony way expected frome ony of that sorte heirefter),—thairfoir the saidis Lordis ordanis letters to be direct chairgeing the saidis personis to compeir personalie before the saidis Lordis upoun the day of , to answer to the premessis, and to undirly tryall and punishment for the same as appertenis, undir the pane of rebellioun."[1]

[1] Connect this Act of Council with the Royal Letter, of date 31st May 1608, by which it was prompted.—David Calderwood, so interesting to us as the future historian of the Kirk of Scotland, was about thirty-three years of age at our present date, and had been for about four years minister of the parish of Crailing, near Jedburgh. His co-presbyter, Mr John Boyle, who was minister or preacher at Jedburgh, had been admitted to that office about eight years before by special grace, though labouring under the disqualification of blindness. The third culprit in the document, George Johnston, was minister of Ancrum.—Naturally, Calderwood has given us a long and detailed account of this incident of his early clerical life (see his History, vi. 704–716.) The substance is as follows:—The same General Assembly of 1602 which had appointed "Commissioners" of the Kirk with plenipotentiary authority till the next General Assembly (*ante*, p. 50, footnote), had also appointed a body of "Visitors" (in part the same persons as the "Commissioners"), with the special duty of visiting presbyteries and parishes within the bounds respectively assigned to them and seeing that there was nothing wrong with ministers or congregations. In the long interval since 1602, however, while the "Commissionerships" had gained in strength and dignity by the abeyance of General Assemblies and

James Brebner against Patrick Mortimer for assault and violence.

Complaint by James Brabner in Muredaillisbrigis, as follows:—On Sunday 1st November last, Patrik Mortymer, son of Johnne Mortymer of Cragyvar, and Robert Roche, his servant, of the special causing of the said Johnne, came to complainer's house, pursued him for his life, and wounded him in divers parts of his body. They then carried him to the said Johnne's house of Cragyvar, put him in "ane deip vowt," and detained him there till 10 or 11 hours at even; when they brought him up to the hall, and there "tuke ane grite cord and so band the same about the said complenairis heid that the same brak in peiceis." They then bound another great cord about his head, and unmercifully "dang him with a grite trie upoun the heid." Indeed, they would have slain him if he had not, for "saulftie of his lyff," promised to pay them £100.—Complainer appearing, and passing from the pursuit of the said Johnne, and the said Patrik being also present, the Lords find the assault to be clearly proven against Patrik, and ordain him to enter in ward in the tolbooth of Edinburgh. Acta 1607-8. Page 881. Page 882.

To denounce Mr Gilbert Brown.

Mr Gilbert Broun, sometime abbot of Newabbay, failing to appear this day as charged (*ante*, p. 87), is to be denounced rebel.

Decree against Mr Andrew Paterson and others for debt.

Complaint by Sir Andro Murray of Balvaird, that Mr Andro Patirsone of Hiltarvet, as principal, James Forrett, fiar of that Ilk, and Alexander Jamesoun, burgess of Couper [as sureties], remain unrelaxed from a horning of 20th May last for not paying him £1200.—Complainer appearing personally, defenders, not appearing, are to be apprehended by the Guard, and their goods inventoried. Page 883.

by the elevation of so many of the Commissioners to Bishopries, the "Visitations" had been pretty much neglected. But, as the time approached for that new General Assembly which, by the last royal proclamation on the subject, stood prorogued to the last Tuesday of July 1608 (*ante*, pp. 25–26), and as it became more and more certain that this Assembly would actually be held, both ecclesiastical parties among the Scots,—the Presbyterians on the one hand, and the Bishops and their adherents on the other,—were astir with "preparatives" for that event. Among the "preparatives" on the side of the Bishops was that of resuscitating the "Visitations." The Visitors who had been appointed in 1602, or at all events such of them as were now Bishops, found it useful to go into their assigned districts, feel the pulses of those districts, and ascertain, and if possible cripple beforehand, their likeliest Presbyterian opponents. No one was more energetic in the employment of this method than James Law, Bishop of Orkney. Having been appointed by the Assembly of 1602, when he was not yet bishop, but only minister of Kirkliston, to be one of the Visitors for the district of Merse and Teviotdale, he dispatched circular Visitorial edicts into that district in April 1608, and followed them in person in the beginning of May. The first opposition he encountered was in the Presbytery of Jedburgh, and this in the shape of a formal *declinator* of his authority by David Calderwood and his two associates, given in by a notary public in the presence of some of the magistrates and council of Jedburgh. Calderwood prints the document; which was penned by himself, and bears the three signatures, that of Boyle written for him by the hand of a notary. The reasons stated in the *declinator* are chiefly (1) that Mr Law had come alone, whereas he ought to have been accompanied by his appointed colleague, Mr John Carmichael, that colleague not being ill, and (2) that the powers of the Visitors of 1602 had lapsed; but the real reason was that Law had become a Bishop and was one of the chiefs of the Episcopal party, and that therefore all resolute Presbyterians were inclined to oppose and thwart him.—The *declinator* was given in on the 5th of May; and that very night Calderwood and his associates were put to the horn by the Bishop in execution of his powers. There had been reference to the King, however; and hence the present further proceedings.

Acta 1607–8. The first and second terms for payment of the taxation granted in the Parliament held at Perth in July 1606 being past (1606, c. 18, iv. p. 289), the Lords ordain letters to be directed charging all persons indebted in payment of any part of the said terms to pay up all arrears to Sir James Hay of Kingask, collector general of the said taxation, within 15 days after the charge, under pain of rebellion. Charge to all persons in arrears with their taxes.

Page 884. Complaint by Archibald Ker in Bowdane, as follows:—He has been put to the horn at the instance of William Wauchop in Dudingstoun for not appearing to answer touching his alleged wounding of the said William (*ante*, p. 68). Now, by a decree arbitral pronounced by Sir James Sandielandis of Slammanno and Sir Frances Wauchop of Nudrie Merschell (as judges chosen by Archibald Wauchop in Dudistoun and the said William, for themselves, and for Archibald and Johnne Wauchopis, sons of the said Archibald, elder), and by Andro Ker of Fentoun, and Robert Prestoun, merchant, burgess of Edinburgh (as judges chosen by James and Robert Keris in Dudingstoun, for themselves, and for Johnne Ker, son of the said James, and for the complainer, and George Ker, his son, and William Craig, brother-in-law, of the said James), complainer had been decerned to appear on 21st April last in St Geillis Kirk in Edinburgh and there "in all humilitie to haif acknawlegeit his offence to God and to the said William Wauchop and his freindis and to have cravit pardoun at thame for the hurting and wounding of the said Williame," paying at the same time £70, 11s. According to this decree, the complainer had repaired to the said kirk on the day appointed, had remained a certain time therein, had "numerat and tauld" the said money, and had consigned it in the hands of Johnne Levingstoun, burgess of Edinburgh, to be given to the said William, who had not himself appeared to receive the said satisfaction. Page 885. As complainer has thus fulfilled the said decree arbitral, and as he nevertheless found caution to answer before the Council on 2nd June, the said letters of horning should be suspended.—Complainer and defender appearing, the Lords do suspend the said letters. Suspension of horning against Archibald Ker.

Commissions, 1607–1616. Fol. 8, b. The crimes of murder, mutilation, theft, and reset of theft having become "verie frequent" in the isle of Arran, especially since the departure of James, Marquis of Hammyltoun, furth of the realm, commission of justiciary over the said isle, with the usual powers, signed by the Chancellor, Secretary, and Advocate, is granted to James, Earl of Abercorne, to the effect the said crimes may be stayed. The said Earl is therefore nominated to this office, because of his "worthy inclination and good dispositioun," and because the said Marquis has entrusted to him the management of his affairs during his absence. Commission of justiciary over the Isle of Arran to the Earl of Abercorn.

Acta 1607–8. Page 885. *Sederunt*—Chancellor; Lowtheane; Bishop of Ros; Bishop of Orknay; Uchiltrie; Saltoun; Gray; Blantyre; Constable of Dundie; Privy Seal; Justice Clerk; Advocate; Collector; Clerk of Register; Quhittinghame; Logy; Foistersait; Sir Lues Craig; Balvaird; Sir Petir Young; Sir Johnne Arnote. Edinburgh, 9th June.

To arrest ships in the harbour of Ayr.

As, by the King's command, 200 men have been "lifted in this kingdome to be transportit to Yreland to attend his Majesteis service thair," and as they are appointed to make their "mustouris at the burgh of Air and thair to imbark with all goodlie diligence," the Lords ordain letters to be directed charging officers of arms to arrest all barks and ships lying in the harbour of Air till provision be made for transport of the said soldiers. Acta 1607–8. Page 886.

Victual for the expedition to the Isles.

As the fencibles for the expedition to the Isles "ar now upoun thair preparationis," and are to meet, God willing, at Yla on 1st July next (*ante*, p. 94), "necessar it is that provisioun be maid of viveris for thair intertenement during thair imployment in that service." There is order, therefore, to charge the magistrates of Kirkcudbricht, Wigtoun, Air, Renfrew, Dunbertane, Irwing, Saltcoitis, Largis, and other towns on the west coast, to have vessels, provided with biscuit, wine, ale, beer, and other victuals, ready to follow the army, and to sell the same for "competent prices," at their highest peril.

Feud between the Irvines and the Forbeses.

There being "some varience and contraversie" between Alexander Irwing of Drum, his kin and friends, on the one part, and William Forbes of Corsindae, William Forbes of Monymusk, Forbes, his son and apparent heir, Johnne Forbes of Brux, Alexander Forbes of Tolleis, David Forbes of Pittarthie, Johnne Forbes of New, and William Forbes of Polfluig, on the other part, there is order to charge both parties to subscribe, within six days after the charge, under pain of rebellion, an assurance to one another, to endure till 1st June 1609, and to find caution for keeping the same inviolate.

Act anent the passing of writs through the seals.

"The Lordis of Secrite Counsale statutis and ordanis that all chartouris, giftis, and otheris that hes bene in use to pas the great and prevey seillis in tyme bygane salbe past and exped the same in tyme cuming within the space of fourty dayis nixt efter the dait thairof, utherwyse the same to be null and to mak no faith in judgment nor outwith; and that the signatoure quhairupoun the said chairtouris, giftis, and utheris foirsaidis proceidis sall expreslie beir in the end thairof the said claus ordaning the same to be past and exped throw the saidis seallis within the space of fourty dayis, utherwyse the samyn to be null and to mak no faith, as said is: and ordanis intimatioun to be maid heirof to the writtairis of oure Soverane Lordis signet, quhairthrow they pretend no ignorance thairof: and ordanis the keipairis of the registeris of the thesaurarie, collectorie, and comptrollorie and register of beneficeis that thay exped no signatoure throw thair registeris unles the claus abonewritten be specialie insert thairin." Page 887.

In the matter of the dispute between Lundy of that Ilk and Wood of Largo as to a seat in Largo Kirk.

As, albeit the presbytery of have pronounced their decree in the dispute between Lundy of that Ilk and Andro Wood, apparent of Largo, anent "ane seat and dask" erected by Umphra and James Lundyis in the kirk of Largo and destroyed by the said Andro, yet not only do both parties refuse to obey the decree, but they "mak daylie provocationis and bragis, especialie upon the Sonday at thair repairing to the kirk, sua that, upoun occasioun of thair insolence, the exercise of the

Acta 1607-8. Word hes ceissit in the said kirk thir divers oulkis bigane, to the offence of God, contempt of his Majestie, and greif of the parochynnairs," there is order to charge both parties to obey the said decree in all poiuts, and to find caution, each in 5000 merks, to keep the peace, within six days after

Page 888. the charge, under pain of rebellion.

Decree against George Irving for debt.

Complaint by Mr Johnne Johnnstoun, commendator of Halywood, that George Irwing of Woodhouse remains unrelaxed from a horning of 13th May last for not paying him, as assignee to Sir James Johnnstoun of Dunskellie, £1000 as principal and £100 for expenses.—Complainer appearing by Johnne Ritchie, defender, for not appearing, is to be apprehended by the Guard, and his goods inventoried.

Decree against John Johnstone and a number of others for non-restoration of goods illegally intromitted with by them.

Complaint by Alexander Hay, apparent of Smeithfeild, assignee to Jonet Stemyng, Lady Hairtrie, elder, Jeane and Elizabeth Govanes in

Page 889. Hairtrie, Margaret Jobsoun, widow there, Christeane Henrysone, widow there, William Broun there, Jonet Moffett, widow there, Johnne Penmane there, Michaell Broun there, William Aitkin there, Andro Broun there, Johnne Vallance there, Robert Broun in Threipland, and Rolland Mitchell there, that the following persons remain unrelaxed from a horning of the 24th March last for not restoring to him, as assignee foresaid, the goods, insight, and plenishing specified in a decree obtained against them before the Lords of Council of date 20th February last, and wrongously taken by them furth of the lands of Hartrie and Threipland, with the sum of £12 for expenses of plea and sentence silver:—George Irwing, called Gibb's Geordie the Rannigald, David Clerk in Auchingyle, Archibald Irwing, called Jaffray's Archie, Johnne Johnnstoun, called of Newbigging, Johnne Grahame in Gall, younger, Thomas Armstrang in Cannabie, Johnne Dalgleshe in Boykin, Johnne Armstrang in Wallis, Johnne Batie in Crurie, Thomas Batie in Dunfedling, David Irwing alias Cang, France Corrie, servant to William Bell of Reidcleuch, Thomas Grahame of Knokholme, James Armstrang, called of Caplegill, Johnne Batie, called Napie Batie, Cristie Armstrang in Gruger (Glenyair), Johnne Batie in Crawisknow, Andro Giffert there, and Gawin Batie in Midlaw.—Charge had been given to the said persons, except Johnne Grahame, to

Page 890. answer; and now, complainer appearing by Archibald Douglas, there is decree as above against defenders for not appearing.

Decree against Alexander Carmichael for debt.

Complaint by Nicoll Forsyth, merchant, burgess of Edinburgh, that Alexander Carmichaell of Burnehous remains unrelaxed from a horning of 23rd January last for not paying him £100 as principal and £30 for

Page 891. expenses.—Complainer appearing, decree as above against defender.

Decree against James Drummond for debt.

Complaint by Christen Merschell, relict of Patrik Drummond, that James Drummond of Cardnyis remains unrelaxed from a horning of 30th May 1607 for not paying her two annualrents of 24 bolls of victual and £20 for the years 1605 and 1606.—Complainer appearing personally,

Page 892. decree as above against defender.

Decree against William Mowbray for debt.

Complaint by Johnne Dowglas, servitor to Sir James Douglas of Spot, that William Mowbray, portioner of Crawmond, remains unrelaxed from

a horning of 6th February last for not paying him 52 merks as principal and 10 merks for expenses.—Complainer appearing by Alexander Douglas, decree as above against defender. Acta 1607–8.

Act in favour of Sir Robert MacLellan anent his assurance to the Tutor of Bomby.

Complaint by Sir Robert M^cClellan of Bomby, as follows:—He has been lately charged to subscribe an assurance to the tutor of Bomby and to find caution in 10,000 merks for keeping it inviolate (*ante*, p. 98). Page 893. Now, the said assurance is craved of him only to get him under the danger of the said sum, so that the Tutor "may liberat himselff of ane grite nomber of tutour comptis, quhairof he standis in danger." Further, complainer is already under law-surety to the Tutor, and is resolved to keep that assurance; but, as his lands and the Tutor's march together, it may fall out that some of their men "upoun particulairis of thair awne" may quarrel and so trouble may ensue, and it would be unreasonable that "ony sic attemptis of thairis sould infer a brek of assurance aganis the said Sir Robert," or anything more than that he should enter the offenders before the Council. He therefore humbly desires an Act to that effect.—The Lords declare that, if any person embraced in the said assurance commit an offence against William M^cClellan, tutor of Bomby, inferring a breach of the assurance, the entry of the offender before the Council shall be sufficient on the part of Sir Robert and his cautioner.

Patrick Sinclair against Lord Sinclair, craving suspension of horning.

Complaint by Patrik Sinclair, uncle of Patrik, now Lord Sinclair, that he has been charged at his dwelling house in this burgh to render the castle of Ravinscraig to his said nephew, under pain of rebellion. Page 894. Now, according to the decree given against complainer (*ante*, p. 89), he has been waiting to this hour to deliver the said house to Lord Sinclair; but nobody will appear to receive it off his hands,—"the said Lord Sinclair and his doaris purpoislie absenting thameselffis, to the effect thay may get the said complenair to the horne." In respect whereof, and because he has consigned the keys of the castle in the hands of James Prymrois, clerk of Council, the said horning ought to be suspended.—Pursuer appearing by Alexander Douglas, macer, and Lord Sinclair appearing personally, the Lords do suspend the letters of horning, and ordain Prymrois to deliver the keys to Lord Sinclair.

Thomas Richardson against George Harret for assault on his wife. Defender assoilzied.

Complaint by Thomas Ritchiesoun in Coittis, and Margaret Quhytlaw, his spouse, as follows:—George Harrat in Cottis, having conceived deadly hatred against the said Thomas, and learning that on 26th May last he had Page 895. gone from home on business, came to his house in Cottis, put violent hands on the said Margaret, "rashet hir over ane great kist," and then "with his feit and fauldit nevis" cruelly struck her on the "heid, face, and bellie," and "violentlie dang ane toith out of hir heid; quhairof scho fell a swowne deid to the ground, bloodand at mouth and neis." And, "as scho wes sa lyand in deid thraw, he in a barbarous and cruell maner pullit up ane spaid in his hand quhairwith he gaif her a deidly stryke in the heid." Perceiving she was still alive, he then "unnaturalie and savishlie tuke hir haill claithis and sark, and layit the same up about hir heid, and with his handis and feit gaif hir mony bauch and bla straikis upoun all pairtis of

Acta 1607–8. hir naikit body, trampit and tred upoun hir with his feit, and left hir for deid."—Pursuers and defender both appearing, the Lords assoilzie the defender, because the witnesses produced have failed in proving any point of the complaint.

Commissions. 1607–1616. Fol. 1, a. Licence, subscribed by the Chancellor and the Earl of Lothiane, to Alexander Frasair, younger of Phillorth, George Ogilvy of Carnowseis, Andro Fraser, son of Johne Frasair of Quarrelbus, and Cuthbert Findlater, son of William Findlater of Pettulleis, to pass to any place beyond sea and to remain there for their "lesum effairis and busynes" for seven years after the date hereof, notwithstanding any acts, statutes, or proclamations made in the contrary, on condition they do nothing while abroad in hurt of "our estaite and realmes," or of the true religion. Licence to Fraser of Philorth and others to go abroad.

Fol. 2, a. Fol. 2, b. Fol. 3, b. The Acts of Parliament prohibiting the slaughter of red fish, smolts, and fry of fish, the slaughter of deer, roe, and wild fowls, and the cutting of greenwood, having been ineffectual in divers places, his Majesty, having "good prooff" of the "honnestie and discretioun" of Sir Duncane Campbell of Glenurquhy, grants him a commission of justiciary with the usual powers, signed by the Chancellor and the Earl of Lothiane, for execution of the said Acts (1) between Garntullie and the mouth of the Tay on both sides of that water, (2) between Dochart and Edrik, on both sides of the water of Lyoun, and (3) within the bounds of Glenlyoun, Glendoquhate, Dischoir, Toyer, Glenfallach, and Finlarg. There is caution by Sir James Lundy for the said Sir Duncane, that he shall pay yearly into the exchequer one half of the penalties and unlaws which shall fall to him by the execution of the said commission. Commission of justiciary to Campbell of Glenorchy for execution of the Acts against slaying fish and deer or destroying greenwood within certain bounds.

Sederunts. Fol. 61, b. A letter from Sir William Cranstoun to the Chancellor, craving liberty to the Laird of Holmendis to repair home for assisting Cranstoun in his Majesty's service, having been proponed to the Lords, the whole Council present give their consent to the said Laird's liberty for fifteen days after the Earl of Dunbar's home-coming. Sir William Cranstoun and Carruthers of Holmains.

The Lords, having heard the petition of the bailies and council of Drumfries, craving that they would request the Laird of Amisfield, their newly elected provost, to accept the said office, ordain a missive to be written to Amisfield for this effect.[1] The town of Dumfries and the new provost.

Acta 1607–8. Page 896. *Sederunt*—Chancellor; Bishop of Ros; President; Blantyre; Halyruidhouse; Comptroller; Advocate; Collector; Master of Elphinstoun; Sir Alexander Drummond. Edinburgh, 13th June.

The two captains appointed to "go to Ireland to attend his Majesteis service thair" are to have 1000 merks each to "buy armour, poulder, and bullet to thair companyis," and to "hold thair companyis togidder quhill thay gif thair mustouris." Anent the recruits for Ireland.

[1] Neither this entry nor the one immediately preceding is recorded in the *Acta et Decreta*.

Edinburgh, 14th June.

Sederunt—Chancellor; Mortoun; Lotheane; Forbes; Gray; Lovat; President; Bishop of Ros; Master of Lowthiane; Master of Elphinstoun; Blantyre; Halyruidhouse; Comptroller; Quhittinghame; Constable of Dundie; Privy Seal; Advocate; Collector; Mr Petir Rollok; Foistersait; Sir Johne Arnot; Logy; Sir Lues Craig; Sir Alexander Drummond. Acta 1607–8.

Anent the expedition to the Isles.

The Lords ordain that licences shall be granted to persons craving the same for remaining from the expedition to the Isles on their paying reasonable compositions; and they appoint the Earl of Lotheane, the Lord of Balmerinoch, the Lord of Scone, Lord Blantyr, Lord Halirruidhous, the Lord of Beulie, comptroller, Sir Thomas Hammiltoun of Bynnie, Mr Johnne Prestoun of Pennycooke, collector, and Sir Johnne Arnott, treasurer-depute, or any four of them (the comptroller and treasurer-depute being always two of the number), to be commissioners to grant the licences and to compone the same. Sederunts. Fol. 62, a.

Acta 1607–8. Page 896.

Mr Alexander Cumming, advocate, against Mungo and Alexander Burrell for assaulting him in Edinburgh.

Complaint by Mr Alexander Cuming, advocate, indweller in Edinburgh, as follows:—Although there are laws against assault in Edinburgh or within a mile of the residence of the Privy Council or Session, under pain of fining and warding for year and day, yet, on 10th instant, while complainer was returning, at ten o'clock at night, from supper with the Laird of Alter, his chief, in Mr Rannald Bane's house in the burgh, Mungo Burrell, "lorymer," Alexander Burrell, his brother, and others, to the number of twenty-four persons, waylaid him at the said Ronnald's close-head, armed with platesleeves, swords, daggers, and great batons, and there first, "with grite battouis maid be thame for the purpois," pursued him for his life, and afterwards drew swords, "strak sindrie grite strykis at him," cut his clothes in sundry parts, and would have slain him if he had not been relieved by some gentlemen and honest neighbours of the town.—Both parties appearing, the Lords find the complaint clearly proven, and ordain the defenders to be committed to ward in the tolbooth of Edinburgh. Page 897.

Edinburgh, 16th June.[1]

Sederunt.—Chancellor; Mortoun; Linlithqu; Bishop of Ros; President; Forbes; Gray; Lovat; Blantyre; Burley; Torphechin; Master of Elphingstoun; Constable of Dundie; Edzell; Quhittinghame; Comptroller; Privy Seal; Justice Clerk; Advocate; Collector; Mr Petir Rollok; Logy; Sir Lues Craig; Sir Johnne Arnot; Mr William Hairt. Page 898.

[1] On the preceding day and the present, 15th and 16th June, there was an ecclesiastical meeting of some consequence at Falkland, known as *The Conference of Falkland*. It was one of those "preparatives" for the coming General Assembly of the next month of which mention has been made in a previous footnote (*ante*, pp. 103, 104). It had been arranged by the Bishops, with the King's sanction and with a view to smooth matters for the coming Assembly in the interest of Episcopacy; but representatives of both parties were present in considerable numbers, —Mr Patrick Simson, minister of Stirling, acting as moderator of the gathering of Presbyterian ministers in the church of the town, while the Bishops and others met in the chapel of Falkland Palace. For an account of the affair and of the results,—thought to be of reconciling tendency, but of small real moment,—see Calderwood, vi. 716–734.

Acta 1607-8. Complaint by Mr William Watsoun, minister at Bruntiland, that George Barroun of Kynnaird remains unrelaxed from a horning of 30th March last for not paying him 3500 merks as principal and £400 for expenses.—Complainer appearing by Archibald Douglas, defender, for not appearing, Page 899. is to be apprehended by the Guard, and his goods inventoried. Decree against George Barron for debt.

Complaint by Mathew Baillie of Littlegill, that Johnne Houstoun of Leny remains unrelaxed from a horning of 1st March last for not relieving him, at the hands of Gilbert Gray, son of the late Lord Gray, of the payment of 300 merks as principal and £20 for expenses, paid by him for Houstoun to the said Gilbert, and Elizabeth Gib, his spouse.—Complainer appearing personally, decree as above against defender. Decree against John Houston for not relieving his cautioner.

Page 900. Complaint by Alexander Dowglas, macer, that Johnne Robertsoun of the Scheanis remains unrelaxed from a horning of 25th May last for not paying him, as assignee to Mr George Bonyman, writer, 1130 merks as principal and 100 merks for expenses.—Complainer appearing personally, decree as above against defender. Decree against John Robertson for debt.

Complaint by Robert Erskin, servitor to Archibald, Earl of Ergyle, that Sir Neill Montgomerie of Langschaw remains unrelaxed from a horning of Page 901. 25th January 1606 for not paying him £113, 6s. 8d. and £30 for expenses. —Complainer appearing by Archibald Douglas, decree as above against defender. Decree against Sir Neill Montgomery for debt.

The action by Coline Campbell of Boith against Robert Dumbar of Burgy, for suspending the horning executed at the instance of Dumbar against Campbell for the non-entry of Ewne M°Hucheoun Beg, his man, to answer a complaint by the said Robert, had been called on 10th March last. The said Coline having then appeared personally, and the said Robert by Mr Johnne Schairpe, his procurator, the matter had been continued to Page 902. this day. And now, Dumbar appearing, but Campbell not appearing and not having entered the said Ewne, Dumbar protests that the said letters of horning shall be executed against Campbell.—The Lords admit the protest, and ordain accordingly. Campbell of Both against Dunbar of Burgy for suspension of horning.

Complaint by Thomas Collace of Pitforky, that Sir Harie Lindsay of Carrestoun, as principal, and Johnne Cuming of Tollow, as surety, remain unrelaxed from a horning of 15th March last for not paying him 300 merks as balance of 1200 merks.—Complainer appearing by Archibald Page 903. Douglas, defenders, not appearing, are to be apprehended by the Guard, and their goods inventoried. Decree against Sir Harry Lindsay and John Cumming for debt.

Complaint by Marioun Lumisdane, Lady Mellirstanes, that James M°Dowell of Manerhill, Nicoll Rutherfurd of Hundelie, Adam Thomesoun in Makarstoun, and Andro Ker of Faircors, remain unrelaxed from a horning of 30th April last for not paying her the goods, money, and debts mentioned in the letters of horning as principal, with £20 for expenses and £5 of collector silver.—Charge had been given to defenders, except Thomesoun, to answer; and now, pursuer appearing by Archibald Page 904. Douglas, there is decree as above against defenders. Decree against James MacDowall and others for debt.

Decree against Harry Stewart for debt.

Complaint by Margaret Stewart, daughter and executrix nominate of the late Helene Cunynghame, and by James Quhyte, spouse to the said Margaret, for his interest, that Harie Stewart of Barskyming remains unrelaxed from a horning of 19th October 1607 for not paying them £200 as principal and £10 for expenses.—Complainer appearing personally, decree as above against defender. Acta 1607-8.

Decree against William Turnbull and others for non-payment of minister's dues.

Complaint by Mr Joseph Tennent, minister at Bedreull, that Williame Turneble, fiar of Bedreull, Thomas Turneble, elder in Reulecastell, and Thomas Turneble, younger there, remain unrelaxed from a horning of 14th March last for not delivering to him their shares of the bear and meal assigned to him for serving the cure at the said kirk.—Complainer appearing by Sir Robert Stewairt, decree as above against defenders. Page 905.

Decree against Nicoll Rutherford and a number of others for not removing from the Earl of Mar's lands.

Complaint by Johnne, Earl of Mar, that Nicoll Rutherfurde of Hundelie, Charlis Rutherfurd, elder, in Jedburgh, Alexander Mow there, Thomas Turneble in Rowcastell, Johnne Rutherfurd *alias* Jok in the Plewland, Charlis Rutherfurd in Nether Nesbitt, son of Thomas Rutherfurd, called of the Wallis, Johnne Rutherfurd there, called Jok of the Slop, Robert Rutherfurd *alias* Hobbie Rutherfurd, his son, there, Margaret Bennet there, Charlis Baxter there, Isobell Davidsoun, relict of Johnne Rutherfurd, called of the Know, Helene Langlandis, relict of Abrahame Rutherfurd there, Hob Langlandis there, James Hair *alias* Laird Hair there, Issobell Fyff there, Michaell Robsoun there, Manie Clerk there, Petir Rutherfurd in Burne there, James Moffie there, Johnne Rutherfurd *alias* Jok with the Jadie there, James Leitheid there, James and Waltir Rutherfurdis, sons of the said Chairlis Rutherfurd in Jedburgh, Dandie Moffie there, Nicoll Rutherfurd there, called of the Plewland, Andro Rutherfurde there, called of the Hall, George Rutherfurd there, called of the Know, his brother, Bessie Rutherfurd, relict of Johnne Baxter, Petir Rutherfurd there, called of the Know, Michaell Moffie there, Jok Riddell there, William Rutherfurd in Over Neisbit, called William in the Overtoun, William Young there, Jok Pirrie *alias* Hobb's Jok there, Waltir Rutherfurd there, George Gray there, Hob Young there, Andro Russell there, Johne Curll there, Bessie Rutherfurd, his spouse, Katherene Russell there, William Jerdane there, Bessie Rutherfurd, spouse of William Young, called the Soutter, Jonet Scot, Jok Young there, Johnne Rutherfurd, called in the Sloip, George Rutherfurd, called Johnne's Geordie, Dandie Hunter there, Thomas Simpsoun there, Johnne Cranstoun there, Meg Hoip there, William Rutherfurd, called of the Plewland, and Johnne Pirrie there, remain unrelaxed from a horning of 3rd May last for not removing from the said Earl's lands mentioned in the letters of horning, and not suffering his tenants to enter thereto.—Complainer appearing by David Plumber, but none of the defenders appearing, there is decree against them all as above. Page 906. Page 907. Page 908.

Decree against James Cockburn for debt.

Complaint by Harie Dow, servitor to Johnne, Earl of Mar, that James Cokburne, baxter, burgess of Haddingtoun, remains unrelaxed from a horning of 27th February last for not paying him £60 as principal and 10

CROYDON PUBLIC LIBRARIES CENTRAL

Acta 1607-8. merks of expenses.—Complainer appearing by David Plumber, decree as above against defender.

Commissions, 1607-1616. Fol. 4, a. Alester M^cEuchen M^cIntoshe in Wester Largeis remaining unrelaxed from a horning of 23rd May last, at the instance of Patrik Dunbar of Conzie, for not finding caution to answer before the justice for the theft of 50 kye and oxen furth of the lands of Brichmouth, belonging to the said Patrik, a commission of justiciary with the usual powers, signed by the Chancellor, the Earls of Mortoun and Lynlythqu, Arthur, Lord Forbes, and the Secretary, is granted to the sheriffs of Invernes and Murray, and to Mr James Dunbar of Tarbett, Brodie of that Ilk, Mark Dunbar of Durris, and Nicolas Dunbar of Boigis, for apprehension of the said Alester and his entry before the Privy Council in order to his trial by the justice. Commission of Justiciary against Alastair MacIntosh for theft.

Sederunts, Fol. 62, a. The Council all in one voice ordain that no remissions shall be granted hereafter for bearing hagbuts and pistolets till first the petitioner for the remission find caution, under such pains as shall be modified, not to wear fire-arms thereafter and to answer before the Council to any complaint to be made against him for bearing the same. The remissions, to be valid, must bear a clause stating that this caution has been found. Anent remissions for bearing fire-arms.

Acta 1607-8. Page 908. *Sederunt*—Chancellor; Crawfurd; Lovat; Saltoun; President; Blantyre; Master of Elphingstoun; Bishop of Glasgow; Bishop of Murray; Bishop of Orknay; Comptroller; Privy Seal; Justice Clerk; Advocate; Collector; Clerk of Register; Mr Petir Rollok; Sir Johnne Arnot; Sir Petir Young; Mr William Hairt. Edinburgh, 21st June.

Sederunts, Fol. 62, b. Conform to the King's letter to the Council, setting forth that his Majesty has chosen the Lord Uchiltrie to be Lieutenant in the South andNorth Isles, the Lords all in one voice allow the King's choice and ordain commission to be expede to him accordingly. The tenor of the Commission is as follows:— Commission of lieutenancy over the whole Isles to the Lord Ochiltree.

Acta 1607-8. Page 909. His Majesty, having resolved this present year to advance the expedition projected for reducing the Isles to "civile societie" (*ante*, p. 106), has "not onlie providit some forceis, with schipping, pulder and bullet, to be sent frome England," but has also "some forces of his awne in this kingdome undir wairning and in reddyness to go fordwart in this service," as they shall be directed by his Majesty's Lieutenant. His Majesty, therefore, "haveing prooffe of the fedelitie, courage, and magnanimitie of his traist cosine and counsellour," Andro, Lord Stewart of Uchiltrie, appoints him Lieutenant and Justice within the North and South Isles of this kingdom. The said Lieutenant is to have full power and charge to convocate the lieges in arms, and to lead "his Majesteis forceis be sey or land for the advancement of his Heynes authoritie and service within the saidis Yllis as he sall think expedient, and to direct his awne preceptis for chairgeing of the capitanes, cheiffis, and chiftanes within the saidis Yllis, and sic utheris inhabitantis thairof as he sall think expedient, to compeir before him quhen and where he sall appoint, for randering of thair

Page 9

obedience to his Majestie and submitting of thameselffis to good ordoure; Acta 1607-8.
the personis compeirand to heir and to confer and deale with thame and to encurage thame be all meanis to acknawlege thair dewtyis to God and to his Majestie, and to appoint and direct thame to come to the Lordis of his Majesteis Prevey Counsale to undirstand his Heynes pleasour concerning the conditionis of suirtie for thair obedience quhilk salbe demandit of thame, and how fer his Majesty will extend his favour to every ane of thame; the personis disobedient and who sall refuis to compeir and render thair obedyence to prosequute, hunt, follow, and persew as tratouris, fugitives, and rebellis, with fyre and swerd and all kynd of extremitie, and to repell and hald thame, thair wyffis and bairnis, out of the cuntrey." The said Lieutenant is authorised to hold Courts, and do all other things necessary for reducing the said Isles to obedience and "for furtherance of payment of his Majesteis rentis." With advice of his Council, he is to consider what houses should be kept and Page 911.
garrisoned and which should be demolished, and to act accordingly, He and those aiding him are to have immunity for all things done in the execution of this commission. For Council to the said Lieutenant the Lords nominate Andro, Bishop of the Isles, etc.[1] Publication hereof to be made, with charge to all the lieges to obey and assist the said Lieutenant. The commission is to endure till discharged by his Highness.[2]

Edinburgh, 23rd June.

Sederunt—Chancellor; Crawfurd; President; Uchiltrie; Saltoun; Lovat; Lowdoun; Torphechin; Scone; Blantyre; Halyruidhouse;

[1] In the *Book of Sederunts*, under date 23rd June (Fol. 62, b), there is an entry bearing that the Lieutenant shall have seven persons adjoined to him in Council, of whom the Bishop of the Isles shall be president and convener.

[2] The Council, in a letter to the King, of date 25th May 1608, which will be found among the *Royal and Other Letters*, had recommended the appointment of a single Lieutenant for the service of the Isles, without specifying the person; and, after about a month, this is the result. One might have expected that the Earl of Argyle, to whom the Lieutenancy of the Isles for six months had been entrusted after his Majesty had failed to come to terms with the Marquis of Huntly for that charge (vol. vii. p. 426–7), would have been continued in the service; but somehow his tenure of it seems to have been unsatisfactory. The nobleman actually appointed,—Andrew Stewart, Lord Ochiltree,—has been known to us for a long time as an active Councillor and public man (see vols. v., vi., and vii. by Indexes). He was the grandson of Andrew Stewart, styled "the good Lord Ochiltree," one of the Reforming Lords of Queen Mary's reign, and the friend of John Knox. The eldest son of that nobleman, known as Andrew, Master of Ochiltree, had died in his father's life-time, leaving the Mastership of Ochiltree and the succession in the Ochiltree lordship to this third Andrew. As the second son of "the good Lord Ochiltree" had been no other than the famous James Stewart, known first as "Captain James," then as Earl of Arran, Chancellor for King James in his minority, and for a time the Anti-presbyterian dictator or premier in Scotland, while another son of the same "good Lord Ochiltree" had been of some minor celebrity as Sir William Stewart of Monkton, and a daughter of the same "good lord" had been the second wife of John Knox, the family relations of the present Lord Ochiltree were somewhat complicated. He could think of one of his uncles as having been that quondam Earl of Arran whose name was remembered with a shudder by all Presbyterians, and of one of his aunts as having been for a while the wife of the man whose memory all Presbyterians revered. For the interesting history of his present Lieutenancy over the Isles see subsequent minutes of Council, but mainly the series of *Royal and Other Letters*.

Acta 1607-8.

Bishop of Orknay; Bishop of the Isles; Bishop of Murray; Bishop of Ros; Master of Elphinstoun; Comptroller; Privy Seal; Advocate; Collector; Constable of Dundie; Edzell; Quhitting-hame; Balvaird; Sir Lues Craig; Sir Petir Young; Logy; Sir Alexander Drummond; Sir Johne Arnot.

Page 912.

Decree against Patrick Wemyss for assault.

Complaint by James Chrystesoun, burgess of Dysert, and Johnne Chrystesoun, his eldest son, that Patrick Weymis, son of the Lady Fairny, remains unrelaxed from a horning of 3rd instant for not answering touching his wounding of the said Johnne.—Complainer appearing, defender, not appearing, is to be apprehended by the Captain of the Guard, and his goods inventoried for the King's use.

Decree against Andrew Gray for debt.

Complaint by Mistress Dorathie Stewart, daughter of the late Henry, Lord Methven, that Andro Gray, apparent of Dynnenald, remains unrelaxed from a horning of 19th March last for not paying her 500

Page 913.

merks as principal and £50 for expenses.—Complainer appearing by David Smyth, decree as above against defender.

Decree against Mr William Echline and others for debt.

Complaint by Thomas Lindsay, merchant, burgess of Edinburgh, and Jeane Bickartoun, his spouse, that Mr William Echline, apparent of Pittadro, Johnne Strang of Balcasky, Hary Balfoure of Drumtennant, Mr Andro Patirsoun of Hiltarvett, William Carmichaell, burgess of Dysert, and William Balfoure, burgess of Edinburgh, remain unrelaxed from a horning of 14th May last for not paying them 5000 merks.—Complainers

Page 914.

appearing by Alexander Dowglas, decree as above against defenders.

Habbakuk Bisset, writer to the signet, against Mr William Reid for assault.

Complaint by Abacuth Bissett, writer to the signet, as follows:—Mr William Reid, notary in Abirdene, and Andro Reid, his brother, having conceived deadly hatred against complainer, for no other reason than that at the instance of Alexander Wilsoun, chirurgeon, burgess of Edinburgh, he had written letters of lawburrows against them, have by all "indirect meanis" this long time "procurit his hurte." Thus, on 2nd May 1607, a day appointed for the service of God and "ane proclamit fast," while the complainer was "going to the kirk in a moist quiet and peciable maner, without ony kynd of armoure," the said Andro, at the instigation of his said brother, waylaid him "in ane quiet vennell quhilk gois fra the said complenairis house to the kirk," and, "being bodin in feir of weir with

Page 915.

gantillat, plaitsleve, sword, daigair, and heyland durk," set upon him, and, with the guards of his sword, gave him "mony deidlie strykis on his heid, schoulderis and small of his bak, and left him for deid; sua that he lay bedfast ane lang space thairefter in grite disease and dolloure, and wes maid unable to use his calling for the intertenyment of his familie." The defenders still lie in wait for him, so that he dare not remain in Abirdene, the place of his dwelling, for fear of his life.—Charge had been given to the said Mr William to answer; and now, complainer appearing personally, defender, for not appearing, is to be denounced rebel.[1]

[1] Habbakuk Bisset must have been one of the greatest oddities then living in Scotland,—as odd as his name, and often in some ludicrous scrape or lawsuit. For antecedents of him see vols. v., vi., and vii. by Indexes.

Decree against James Forret for debt.

Complaint by Annas Drummond, daughter of Robert Drummond, citizen in Dunblane, and by Patrik Hervie, now her spouse, for his interest, that James Forret of that Ilk remains unrelaxed from a horning of 25th April last for not paying them 3000 merks as principal and 100 merks for each failure at three terms appointed for payment thereof.—Complainers appearing by Archibald Dowglas, defender, for not appearing, is to be apprehended by the Captain of the Guard, and his goods inventoried. Acta 1607–8. Page 916.

Commission to the Bishop of Moray for apprehending Jesuits.

There being many Jesuits, seminary priests, and excommunicated papists within the bounds of Murray, "allureing oure guid subjectis to declyne frome the trew religioun," commission of justiciary, signed by the Chancellor and the Earl of Craforde, is granted to Alexander, Bishop of Murray, for convocation of the lieges and apprehension of such criminals within the diocese of Murray, in order to their presentation before the Secret Council. Commissions, 1607–1616. Fol. 5, a.

Licence to Sir Archibald Douglas to go abroad for his health.

Sir Archibald Douglas of Kiloure being subject to "divers diseassis and infirmiteis of his body," and advised by "phisitionis" to go to "the Baynis of Lorayne" for recovery of his health, licence, signed by the Chancellor, Lords Uchiltrie, Scone, and Halyruidhous, and the Secretary, is granted, authorising him to be abroad for three years from the date hereof. Fol. 5, b.

Edinburgh, 24th June 1608.

Commission of justiciary against James Gourlay.

James Gourlay having been apprehended "for the filthy and abhominable converceing with a meare," there is commission of justiciary, signed by the Chancellor and Secretary, to Williame Ruthven of Frelandis, bailie of the lordship of Methven, justice in that part, to put him to the knowledge of an assize. Fol. 4, b.

Edinburgh, 25th June.

Charge to Hamilton of Innerwick and others for keeping the peace.

As there has lately fallen out a "miscontentment" between Alexander Hammiltoun of Innerweik, Robert Hammiltoun of Bathcat, Robert Hammiltoun, younger of Bathcat, and Michaell Hamiltoun in the Inshe, on the one part, and Lawsoun of Boighall, on the other part, and as both parties intend to convocate their friends in arms and "in a braging maner" repair to the kirk of Bathcat on Sunday 26th instant, and there provoke one another to a breach of the peace, there is order to charge, under pain of rebellion, both parties (1) not to repair to the said kirk while their quarrel continues, (2) to appear before the Council on instant, and (3) to do nothing meanwhile to provoke one another. Acta 1607–8. Page 916. Page 917.

Edinburgh, 28th June.

Sederunt—Chancellor; Crawfurd; Mortoun; Home; Linlithqu; Bishop of Ros; President; Lovat; Torphechin; Blantyre; Master of Elphinstoun; Comptroller; Privy Seal; Advocate; Collector; Kilsyth; Mr Petir Rollok; Foistersait; Sir Alexander Drummond; Sir Lues Craig; Sir Johnne Arnot.

"Whereas, upoun advertisment maid unto us of the lait quiet and peciable meiting and plausible ending of a conferrence keipit at Falkland

Acta 1607-8. in the moneth of Junii instant betuix the Bischopis and some of the bretherine of the ministerie of that oure kingdome of Scotland [*ante*, p. 110, footnote], we, being justlie induced to expect no worse event and succes of a generall meiting of the hole Churche of that kingdome, and thairwith being earnestlie solicited and humblie suited unto by the saidis bishoippis for oure licence and toleratioun to the keiping of the said Assemblie, haif thairupoun bene weill pleased to condiscend to thair requeist in this behalf, and to grant full libertie and licence for holding of the said Generall Assemblie the last Twysday of this instant moneth. Bot, whereas the same wes appoynted to be keipit the foirsaid day at oure burghe of Dundie, and we being now certifeid, to oure just greif, that oure [said] burgh is visited be God with the plage of pestilence, so, as it wer a dangerous thing for feir of forder infectioun that thair sould be any conconvening or greit meiting thairin [see *postea*, p. 123], we haif thairupoun maid speciall choice of oure burgh of Linlithqu as a moist fitt place for holding of the said Assemblie at the foirsaid day appointit. And thairfore oure pleasour and will is that, by oppin proclamatioun at the mercat croces of oure burghis of Edinburgh, Perth, Dundie, Abirdene, Stirling, Glasgow, Selkirk, Dunce, and all uther placeis neidfull, intimatioun heirof be maid unto all oure leigeis quhatsoevir, willing all commissionairis, ather frome sinodis, presbitereis, burrowis, and townis, or ony utheris who sall haif occasioun of busynes at the said Assemblie, or who salbe or haif bene cited, chairged, desyred, and by missive required to be thereat, that they do repair to the said burgh of Linlithgow at the said tyme appointed; expreslie heirwith inhibiting and dischairgeing all oure subjectis whatsoevir, of quhat qualitie, calling, or functioun soevir thay be of, any way to presome to hold or keip any meiting or assemblie at the burgh of Dundie at the said tyme or at any uther place whatsoevir, undir the pane of oure heich displeasour and indignatioun, and to [be] punischet as contravenairis of oure royall commandiementis. Gevin at oure Court of Greynwich the penult of Junii 1608."[1]

Royal Letter instructing the holding of a General Assembly in Linlithgow instead of Dundee.

Page 918.

Acta 1608-9. Page 239. Complaint by Sir David Lindsay of Edzell, as follows:—David, Earl of Crawfurd, Harie Lindsay of Kinfawnis, and Sir Johnne Lindsay, his brother, have obtained a commission to the sheriffs of Edinburgh, Fyff, Perth, Forfair, Abirdene, and Lanerk, and to the magistrates of burghs within the same, and to all other ministers of the law, and to the Captain and Lieutenant of the Guard, as also to Sir Thomas Stewairt of Gairnetullie, Sir James Stewart of Balliachin, Ogilvy of Clova, Sir Jedioun Murray of Elibank, and Sir Robert Scot of Thirlestane, for the apprehension of complainer's son, David Lindsay, apparent of Edzell, and his accomplices, put to the horn for the slaughter of Alexander, Lord of Spynie, and for besieging all houses to which they may flee. Now, albeit the Earl of Crawfurd

Restriction of the commission of justiciary granted to the Earl of Crawford and others for the apprehension of David Lindsay, apparent of Edzell.

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[1] The meeting of a General Assembly, so long desiderated and so often prorogued, was now actually secure at last. In fact, since the last prorogation (pp. 25–26), t had been a growing certainty, and there had been "preparatives" for it, especially on the part of the Bishops (*ante*, p. 103 and p. 104).

and his said uncles have given the Lords of Secret Council to understand that only the said commissioners shall be the executors of the commission, yet they themselves intend to execute the same by their own forces, and so, under pretext of seeking for the said rebels, to besiege complainer's houses of Edzell and Invermerkie with fire and sword,—and this although the complainer is innocent of the said crime, and "sorie frome his hairt" that the said Lord, who was his "tendir freind," had been "sa unworthelie slane." That all pretence for seeking the said rebels in the complainer's houses may be removed, he has found caution in £1000 that they shall not be resetted therein during their rebellion. Wherefore the said commission, in so far as it may be extended to the searching for the said rebels in complainer's houses, ought to be suspended.—Charge had been given to the said Earl, Sir Hary Lindsay of Carrelstoun, Sir Johnne Lindsay of Wodwray, and Ogilvy of Clova, to answer; and now, the pursuer and the Earl appearing, but none of the commissioners, the Lords suspend the commission in so far as it may be extended to the searching for the said rebels in the place of Edzell only, and ordain the pursuer to find caution that he shall not reset them in the said house, under pain of 10,000 merks. They ordain, however, the commission to be put to farther execution so far as concerns search in the house of Innermerk. Acta 1607–8. Page 241.

Caution for Lindsay of Edzell.

Mr Alexander Sym, advocate, presents for registration a band whereby Harie Wood of Bonytoun becomes surety in 10,000 merks for Sir David Lindsay of Edzell, that he shall not reset David Lindsay, apparent of Edzell, or any of his accomplices foresaid, in the place of Edzell during their rebellion. The band, written by James Ros, servitor to the said Sir David, and subscribed at Edinburgh, 1st November, is witnessed by Mr Alexander Lindsay of Canterland, Mr Patrik Lindsay, advocate, Johnne Lindsay and James Ros, servitors to the said Sir David, and Patrik Kellie, servitor to Harie Wood of Bonytoun. Page 242.

License to the Earl of Sutherland to go abroad for his health.

The Earl of Sutherland being subject to "divers diseassis and infirmiteis of body," and advised to go abroad for his health, there is licence to him, signed by the Chancellor, the Earl of Craford, and the Secretary, to depart furth of this realm and remain abroad for the space of three years after the date hereof. Commissions, 1607–1616. Fol. 6, a.

Edinburgh, 30th June.

Sederunt—Chancellor; Craufurd; Saltoun; Lovat; President; Lowdoun; Blantyre; Halyruidhouse; Bishop of Ros; Master of Elphingstoun; Privy Seal; Quhittinghame; Advocate; Collector; Clerk of Register; Logy; Sir Lues Craig; Sir Alexander Drummond; Foistersait; Sir Johne Arnot. Acta 1607–8. Page 918.

Order for the apprehension of Mr Gilbert Brown.

Mr Gilbert Broun, an excommunicated trafficking papist, being now in the Newabbay, and having a "daylie and frequent resorte of people unto him, with quhome he intertenyis the exercise of his popische and fals religioun" (*ante*, p. 104), there is order to charge the provost and bailies of Drumfreis

Acta 1607-8. to apprehend him and to commit him to ward in their pledge chamber, within three days after the charge, under pain of rebellion.

Commission to certain burghs to report to the Council regulations for advancing the "trade of navigatioun."

"The Lordis of Secrite Counsale undirstanding that the trade of navigatioun is greitlie hinderit in this kingdome throw default of good and proffitable lawis that may tend to the advancement thairof and suppressing of thais wha ar the cheif hinderairis of the same, and specialie of the marineris in thair hyreis and in leaving of thair schippis and maisteris before the compleiting of thair veageis: for remeid quhairof in tyme cuming, the saidis Lordis gevis power and commissioun to the burrowis of Edinburgh, Dundie, Abirdeyne, Sanct Androis, Glasgow, Air, Bruntiland, Culros, Montrose, Dysart, Kirkcaldy, Kinghorne, Pittinweyme, Carraill, Anstruther Eister, Anstruther Wester, or maist pairt of thame, to direct thair commissionairis to convene at ony tyme or place quhair the said burgh of Edinburgh sall appoint and think expedient, and to mak, prescryve, and set doun actis and ordinanceis for advancement of the said trade of navigatioun and for the correcting of the abuseis thairof, and to
Page 919. do all uther thingis that may tend to the advancement of sailing and trafficque in tyme cuming; and ordanis the saidis commissionairis to report thair proceidingis, actis, and ordinanceis to the saidis Lordis within the space of ane moneth nixt efter the making thairof, to the effect the same may be considerit be the saidis Lordis and ressave thair approbatioun and allowance according as thay sall think expedient."

John MacGhie and others of Dumfries charged to answer for deforcing the Guard.

While the Guard were executing their commission on June in apprehending Mr Gilbert Broun, sometime abbot of Newabbay, Johnne M°Ghie, sometime commissary clerk of Drumfries, Johnne Maxwell, called Robert's Jock, &c. [pp. 86, 97], "with convocatioun of a grite nowmer of the rude and ignorant people of the Newabbay," armed with staves, muskets, and hagbuts, came to the said Guard "in a tumultuous and unseamelie maner," and "directlie and avowedlie withstood and resisted the apprehensioun of the said Mr Gilbert, and consequentlie the executioun of his Majesteis commissioun granted to that effect." There is order therefore to charge the said persons to answer on , under pain of rebellion.

Samuel Blackburn against Alexander Smith for treacherous assault.

Complaint by Samuel Blaikburne, merchant, burgess of Edinburgh, as follows:—Patrik, Lord of Lendores, who is at the horn for non-payment to complainer of certain great sums of money, but who has repaired to
Page 920. Edinburgh and the Cannogait "in privat and in quiet maner," sent his servants to complainer yesterday forenoon, assuring him of payment if he would come to him in the evening or afternoon. As the complainer, accordingly, about 9 o'clock in the evening, was entering the door of the house of Alexander Smyth, tailor in the Cannogait, where the said Lord was for the time, Smyth met him at the said door "in the heid of a mirk turnepik," and there, with a great baton, gave him a "deidlie stryke in the foirheid abone his richt ee," and felled him to the ground; whereupon two of the said Lord's servants, who were in company with Smyth, pulled out their swords, "strak out many strakis at him," and would have slain if he had not been relieved by some of the neighbours. He is likely to

lose the sight of his eye by the blow given to him by Smyth; who also owes him great sums of money, and who had "resolvit be that his wicked and detestable interpryse of murdering of the said complenair to haif maid him payment thairof."—Charge had been given to Smyth to answer; and now, pursuer appearing, but not defender, the Lords find the assault clearly proven, and ordain the defender to be committed to ward in the tolbooth of Edinburgh. Acta 1607 8. Page 921.

Decree against George Barron for debt.

Complaint by Johnne Sinclair, elder, in Dysert, that George Barroun of Kynnaird remains unrelaxed from a horning of 23rd December last for not paying him 1300 merks as principal and £100 for expenses.—Complainer appearing by William Wylie, defender, for not appearing, is to be apprehended by the Guard, and his goods inventoried.

Decree against John Home for debt.

Complaint by William Cokburne, brother of William Cokburne of Chowslie, that Johne Home in Kello remains unrelaxed from a horning of 11th April last for not paying him 200 merks as principal and £30 for expenses.—Complainer appearing personally, decree as above against defender. Page 922.

John Maxwell against William Irving and son for violent possession.

Complaint by Johne Maxwell of Conhaith that, though he had been in peaceable possession of the lands of Kirkconnell with the castle thereof till January last, William Irwing, sometime of Kirkconnell, now in Auchilfechen, and William Irwing, his son, with others, mostly fugitives and outlaws, came then to the said place of Kirkconnell, surprised the same, and furnished it with men, victual, and armour, of purpose to detain the place from complainer.—Pursuer appearing personally, defenders, not appearing, are to be denounced rebels. Page 923.

Decree against the Abbot of Melrose for non-removal.

Complaint by James Stewart, portioner of Strabroik, that James, Commendator of Melrois, remains unrelaxed from a horning of 14th June instant for not removing from a lodging and tenement of land in Dysart belonging to complainer, and for not paying him 2000 merks as penalty.—Complainer appearing by Archibald Douglas, defender, for not appearing, is to be apprehended by the Guard, and his goods inventoried. Page 924.

Decree against William Bellenden for debt.

Complaint by Samuel Blakburne, merchant, burgess of Edinburgh, that Williame Bellenden, brother of the late Sir James Bellinden of Brochtoun, remains unrelaxed from a horning of 9th March for not paying him £360 as principal and £30 for expenses.—Complainer appearing by Archibald Dowglas, decree as above against defender. Page 925.

Laird of Johnstone against Will "Reidcloke" and others for violence.

Complaint by Sir Thomas Hammiltoun for his Majesty's interest, and by James Johnnstoun of that Ilk, and dame Sara Maxwell, Lady Johnnstoun, his mother, that, on 13th instant, the said James and his mother having sent their servants to the part of their lands of Corrie called Myntska, to erect sheills on the same, William Bell of Blaikwoodhouse, *alias* Will Redcloik, Will Bell, his son, Waltir Bell, also his son, and Waltir Bell, son of Oissell Bell of the Hill, with others, all armed with swords, lances, gauntlets, platesleeves, hagbuts, and pistolets, came in a "tumultuous and unseamelie maner" to the said lands, put violent hands on the said servants, and not only chased them off the said lands, but reft from them the timber and other materials brought with them for building the sheills. Page 926.

Acta 1607-8. —The Advocate appearing personally and the other pursuers by Mr Johnne Johnnstoun, and the said William, elder, and William, younger, being also present, the Lords assoilzie the defenders from the charge of carrying hagbuts and pistolets, because Reidcloik has sworn that it is not true; and they remit the rest of the libel to the proper judge.

William Wallace against Alexander Mure for assaults.

Page 927. Complaint by Sir Thomas Hammiltoun for his Majesty's interest, and by William Wallace, burgess of Glasgow, as follows:—Upon Sunday, 8th May last, Alexander Mure, brother natural of the Laird of Cauldwell, having been informed that complainer was to pass through the town of Kilwyning that day, lay in wait for him, and as soon as he saw him riding through the town "tuke him be the brydele, plat his handis on his quhinzeair, and upbraidit him with mony injurious and reprochfull speitcheis," compelled him to alight, and would have slain him but for "his awne bettir defence." Pursuer having then gone to the abbey place of Kilwyning to complain to the Earl of Eglintoun, Mure followed him, fiercely assaulted him with a drawn sword, and again would have slain him if he had not been relieved by some good people then present. Farther, while complainer "wes going towardis his horse," Mure, with a drawn sword in one hand and a bended pistolet in the other, continued to assault him for his life.—Pursuer appearing personally, defender, for not appearing, is to be denounced rebel.

Page 928.

Earl of Crawfurd.

Sederunts, Fol. 63, a. Acta 1607-8. Page 928. License granted to the Earl of Craufurde to pass out of the country.

Patrick Mortimer against the presbytery of Alford, craving to be released from excommunication.

Complaint by Patrik Mortymer, son of Johnne Mortymer of Cragyvar, as follows:—Having been excommunicated by Mr William Thomesoun, minister at David, by command of the presbytery of Aufurde, for "his allegeit not conformeing himself to the religioun presentlie profest," he is now, by direction of the Privy Council, a prisoner in the tolbooth of Edinburgh. Now, complainer had always been willing to give confession of his faith to the said presbytery, but they had refused to receive the same; and, since his coming to this burgh, he has offered to the presbytery of Edinburgh to satisfy *them* in all points concerning his religion, but *they* also refuse to receive his submission, alleging that he is subject to the censure of the presbytery which had excommunicated him.—Charge had been given to Mr Alexander Guthrie, minister at Tillinessill, Mr William Forbes, minister at Keig, and Mr William Broun, minister at Glenblochen, all ministers of the presbytery of Aufurd, to answer to this complaint; and now, pursuer appearing by William Sinclair, but none of the defenders appearing, the Lords ordain the bailies of Edinburgh to put the complainer to liberty, on his finding caution to satisfy his own presbytery by 31st August next, or, failing thereof, to enter again in the said tolbooth by the said day, under pain of 500 merks.

Page 929.

"HEIR ENDETH THIS BOOKE

JACOBUS PRYMROIS."[1]

[1] Signifying, by the hand of the Clerk of the Council, that at this point one of the volumes of the Council's minutes ended and another was begun.

Edinburgh, 5th July.

Sederunt (*ante meridiem*)—Alexander, Comes de Dunfermling, cancellarius; Georgius, Comes de Dunbar, thesaurarius; Joannes, Comes de Wigtoun; Marcus, Comes de Lothiane; David, Dominus de Scone; Walterus, Dominus de Blantyr; Joannes, Dominus de Halyruidhous; Jacobus, Dominus de Bewlie, computorum rotulator; Dominus Joannes Arnott. Acta 1608–9. Page 1.

Sir Alexander Hay admitted of the Council and sworn in as joint-secretary of State.

By warrant signed by the King, Sir Alexander Hay is admitted to be one of the ordinary number of the Privy Council, and gives his oath for the faithful discharge of the duty of Councillor, and also of that of joint-Secretary,—to which office it has pleased his Majesty to prefer him.[1]

Sederunt (*post meridiem*)—Chancellor; Craufurde; Mortoun; Dunbar; Wigtoun; Lotheane; Bishop of Glasgow; Bishop of Ros; Bishop of Galloway; Saltoun; President; Torphechin; Scone; Blantyre; Halyruidhouse; Master of Lotheane; Master of Elphinstoun; Toungland; Constable of Dundie; Quhittinghame; Privy Seal; Collector; Advocate; Mr Petir Rollok; Logy; Sir Lues Craig; Sir Alexander Hay; Sir Alexander Drummond; Clerk of Register; Foistersait; Sir Johnne Arnot.

1 Observe two things in the brief record of this Council meeting on the forenoon of the 5th of July: viz. (1) the presence of the Earl of Dunbar in the sederunt after having been absent from the Council Board for a long while, (2) the swearing in of Sir Alexander Hay as Councillor and joint-Secretary. The two things are in reality interconnected.—As there was no doubt now that there was to be a General Assembly of the Kirk in the end of the present month (*ante*, p. 117, n.), and as the King was anxious that the Assembly should be well prepared for and managed, the great Earl of Dunbar, his usual envoy in such important cases, had been sent to Scotland in good time. He had brought in his retinue two or three eminent English divines, selected as of Calvinistic and semi-Puritan reputation, that they might be of use in recommending Episcopacy among the Scots, —one of these being Dr George Abbot, then Dean of Winchester, afterwards Archbishop of Canterbury. He had also, it was rumoured, brought £14,000 with him, for indefinite, but probably similar, purposes. He had entered Edinburgh in great state on the 1st of July, received at the Nether Bow Port by Chancellor Dunfermline, as Provost of the town, and the Bailies, Town Councillors, and many of the citizens; and now he is in his place in the Privy Council beside the Chancellor Provost. —The only piece of business at this forenoon meeting of the Council is to swear in Sir Alexander Hay as member of Council and as joint-Secretary of State with Lord Balmerino. The royal warrants for his admission to both offices, though not taking effect till now, had been made out in May last, when he was only "Mr Alexander Hay." See them *infra* among *Royal and Other Letters* of that month. He had probably come from London in the train of the Earl of Dunbar. His appointment to the joint-Secretaryship of State is an epoch in the history of that office. While Balmerino was to continue resident Secretary in Scotland, retaining also his Presidency of the Court of Session, Hay, as his co-Secretary for Scotland, was to be generally with the King himself at the English Court. It was a convenient arrangement,—not unlike that division of the office of the Treasurership which kept Chief Treasurer Dunbar mainly in London, while the resident Scottish duties of the office were discharged by Treasurer-depute Arnott in conjunction with a committee of the other Councillors. But Balmerino did not at all like the division of the Secretaryship.

Acta 1608-9. There being "a deidlie feid" between Archibald Maxwell of Cowhill, and his brothers and friends, on the one part, and Harbert Maxwell of Cavens, and Mr William Maxwell, his son, and their kin and friends, on the other Page 2. part, there is order to command both parties, under pain of rebellion, to subscribe, within six days after the charge, mutual assurances, to endure till 1st July 1609, and to find caution, each in 5000 merks, for keeping the assurances inviolate.

Assurances between the Maxwells of Cowhill and and those of Cavens.

As the time appointed for the "meiting of his Majesteis forceis at Trouternes" approaches, and as all actions concerning parties subject to the said meeting "mon rest and ly over" while they prepare themselves for the King's service, the Session is ordered to rise on 6th instant. Proclamation accordingly is to be made at the market cross of Edinburgh.

Sitting of the Court of Session suspended.

As it has "pleasit God of new to visite the burgh of Dundie with the contagious seiknes of the pest," and as the danger is greater "in respect of the few nomber of magistratis within the same, and the little care and regaird had of the governament thairof, ane of the saidis magistratis being depairtit this lyf, and ane other of thame being visite with disease and infirmitie, and not abill to undirgo sa greate panes and travellis in his persone and utherwyse as is requisite at sa necesser a tyme," the Lords give full power and commission to William Gouldman, Patrik Lyn, and Clayhillis, to assist the present bailies of Dundee till Michaelmas Page 3. next. They are to be charged to accept the office; and the inhabitants of the burgh are to be commanded, by open proclamation at the market cross thereof, to obey them.

Act for the better government of the burgh of Dundee, now visited with the plague.

Edinburgh, 6th July.

Order that during the present "vacance" the ordinary meetings in Council shall be in the forenoon, beginning at 9 o'clock to-morrow morning. Proclamation accordingly to be made at the market cross of Edinburgh.

Anent Council days in the vacation.

Edinburgh, 7th July.

Sederunt—Chancellor; Craufurde; Forbes; Uchiltrie; Bishop of the Isles; Quhittinghame; Privy Seal; Foistersait; Sir Johnne Arnot.

Decree against George Martin for debt.

Complaint by George Fergusone, servitor to Alexander, Earl of Dunfermeling, chancellor, that George Martene of Cardone remains unrelaxed from a horning of 25th November last for not paying him 202 merks as prin- Page 4. cipal and £40 for expenses.—Complainer appearing personally, defender, for not appearing, is to be apprehended by the Captain of the Guard, and his goods inventoried for his Majesty's use.

John Paterson against Thomas Tulloch for assault

Complaint by Johnne Patirsoun in Golsfurde, that Alexander Tulloch, apparent of Tannacheis, accompanied by Thomas Tulloch and Thomas Young, his servitors, all armed with swords, gauntlets, platesleeves and dirks, came on 11th November last, about 9 o'clock at night, to the dwelling house of Alexander Millane in Fildane, and there fiercely set upon Page 5. complainer, giving him fourteen deadly wounds.—Charge had been given to the said Thomas Tulloch to answer to this complaint; and now,

pursuer appearing, defender, for not appearing, is to be denounced rebel. Acta 1608–9.

Decree against Crichton of Cluny for non-fulfilment of an obligation.

Complaint by James Ramsay of Ardbekie and Williame Wood of Balblane, that Sir Robert Creichtoun of Cluny remains unrelaxed from a horning of 27th June last for not fulfilling to them his obligation of date 26th October last.—Complainers appearing by Mr Johnne Futhie, defender, for not appearing, is to be apprehended by the Guard, and his goods inventoried. Page 6.

Roland Armstrong against Robert Grahame for oppression.

Complaint by Rolland Airmestrang of Brumeholme, heritable proprietor of the said lands, as follows:—Robert Grahame, called of Howend, a fugitive and outlaw, with others, to the number of eight persons, all armed with swords, steelbonnets, platesleeves, and gauntlets, came in October last in fair day-light to the said lands, and there cruelly wounded Thomas Airmestrang, complainer's tenant in the said lands. Again, the said Grahame and his accomplices came to the said lands, sought the complainer himself, who is 90 years of age, for his slaughter, and, missing him, assaulted sundry of his tenants; and they have forcibly extruded complainer and them furth of the said lands.—Pursuer appearing personally, defender, for not appearing, is to be denounced rebel. Page 7.

Warrant to apprehend Mr James Martin.

Complaint by William Ker, son of Thomas Ker of Cavers, that Mr James Martene, apparent of Cardoun, remains unrelaxed from a horning of 7th June last for not paying him £105 as principal and £20 for expenses.—Complainer appearing by Johnne Ker, defender, for not appearing, is to be apprehended by the Guard, and his goods inventoried. Page 8.

Suspension of horning against James Reid.

Complaint by James Reid in Balhartie, that he is charged by letters at the instance of Normone Blakwood, merchant, burgess of Stirling, to find caution for his indemnity in 300 merks, under pain of horning. As he has already found caution to that effect in 500 merks by a decree of the Council and Session, and as he has nevertheless found the caution required, the said letters should be suspended.—Pursuer appearing, but not defender, the Lords do suspend the said letters. Page 9.

Decree against William Horsburgh for not appearing to a charge of slaughter.

Complaint by Mr Archibald Douglas, archdeacon of Glasgow, as father, and Mr Johnne Douglas, his son, as brother of the late James Douglas, that William Horsburgh, brother of Alexander Horsburgh of that Ilk, remains unrelaxed from hornings of 14th and 16th May last for not appearing before the justice to underlie the laws for the slaughter of the said James.—Complainers appearing by Archibald Douglas, defender, for not appearing, is to be apprehended by the Captain of the Guard, and his goods inventoried. Page 10.

George (? John) Gordon against Magnus Mowat and others for suspension of horning.

Complaint by Johnne Gordoun, second son of the late William Gordoun of Geycht, as follows:—He has been put to the horn for not answering (1) a charge against him by Alexander Coupland and William Duffus in Turreff, and Raulf Holmeslie, servitor to Frances, Earl of Errole, and by Alexander, then Master and now Lord of Elphingstoun, treasurer, for his Majesty's interest, touching certain acts of alleged oppression done by him in the town of Turref on 19th July 1601; (2), a Page 11.

Acta 1608-9. charge by Magnus Mowat of Boquholie touching sundry acts of oppression alleged to have been committed by complainer against Mowat and his men at the place of Boquholie, barnyards of Derauchie, kirk of Turref, port of Brechin, barnyard of Boquholie, lands of Balmerie, Lescragie, Jakistoun, and Brounhill, specially the wounding and injuring of Johnne Mowat, servant to the said Magnus, Andro Jaffray, Andro
Page 12. Cheyne, and Williame Smyth; (3) a charge by the said Magnus and Archibald Douglas against the complainer for finding caution for their indemnity. Now, as complainer was never lawfully charged to answer to the said complaints, and was altogether ignorant of the charges, and as he had at length found caution in 300 merks to answer on 7th July (this day), the said letters of horning ought to be suspended.—Charge had been given to the said Magnus, Coupland, Duf in Tarres, and Douglas, to
Page 13. answer this day; and now, pursuer appearing, but none of the defenders, the Lords do suspend the said horning.

Warrant to apprehend John Robertson.

Complaint by Issobell Moffett, relict of James Stirling, advocate, and James Pringle, younger of Quhitebank, now her spouse, for his interest, that Johnne Robertsoun, younger, merchant, burgess of Edinburgh, remains unrelaxed from a horning of 7th June last for not fulfilling to to them his obligation dated 22nd August.—The said Issobell appearing,
Page 14. defender, for not appearing, is to be apprehended by the Guard, and his goods inventoried.

Warrant to apprehend David Blair of Corslaw.

Complaint by James Inglis in Braidley, that David Blair of Corslaw, and James Gray, notary in Lanerik, remain unrelaxed from a horning of 13th May last for not paying him 692 merks.—Complainer appearing by Archibald Douglas, decree as above against defenders.

Anent certain inhabitants of Dumfries.

Page 15. Andro Swan, maltman, William Gibsoun, merchant, Johnne Bryce, younger, Johnne Murdoch, glover, officer, Johnne Diksoun, and Johnne Crokett, tailor, burgesses of Drumfries, having been charged to appear and answer this day, as chief actors in the commotion raised in the said burgh against Sir William Cranstoun, captain of the garrison, 2nd May last (*ante*, p. 86), and all of them now appearing except Gibsoun, the Lords ordain those who appear to find caution, each in £100, to answer before the Council on 21st instant, and ordain the absent defender to be denounced rebel.—The caution required is found by Johnne Corsane, bailie of Drum-
Page 16. freis, for Crokat, Bryce, Swan, Murdo, and Dicksone; and Corsane becomes caution also for William Bartane, merchant, William Colthird, and William M^{c}Ewne, also burgesses in Drumfreis, in £100 each, that, on being relieved out of the tolbooth of Edinburgh, they will answer on the same day.

James Lindsay against Robert Hamilton for assault. Decree of absolvitor.

Complaint by James Lindsay, son of the late Alexander Linsday, merchant, burgess of Edinburgh, as follows:—In August 1606 Robert Hammiltoun, bailie of Prestonpans, and his accomplices, armed with swords, gauntlets, platesleeves, and forks, fiercely set upon pursuer after he had come out of the kirk of Prestoun, where he was before the session, and would have slain him if he had not been relieved by the session.
Page 17. Again, on 20th June last, Hammiltoun, perceiving the complainer,

between 6 and 7 o'clock at night, "going athorte the hie calsay in the heid of the Cannogait," chased him "doun a close," where complainer, "haveing fallin, verie hardlie eschaipit with his lyff." After they had been separated and complainer's sword had been taken from him, Hammiltoun, still with a drawn sword, shamefully pursued him, "he being single and alane, naikit and without airmoure."—Both parties appearing, the Lords assoilzie the defender, because pursuer has failed in his proof. Acta 1608–9. Page 18.

Anent Mr David Calderwood and other ministers of the presbytery of Jedburgh.

As, in the late visitation of the kirkis in the Mers and Teviotdaill by James, Bishop of Orknay, Mr David Calderwood, Mr Johnne Boyll, and George Johnnestoun, ministers of the presbytery of Jedburgh, "without regaird to that dewtie quhilk become thame to beir to thair superioris, did in maist insolent maner refuse to be tryed by him who wes commissionair specialie appointed for the said visitatioun, and wald in no cais submit thameselffis according to the warrant of the Generall Assemblie, and of his Majesties command interponit thairto," charge had been given to the said ministers to answer (*ante*, p. 103).—Boyll and Calderwood appearing, for themselves and for Johnnestonn, minister at Ancrum, and declaring that they did nothing "upoun presumptioun or contempt, bot simplie gaif in a declinatoure," and that they are now willing that it should be cancelled, and that the said Bishop "mycht be frie to urge them with tryall," according to the Act of the General Assemblie, and having also given in a letter subscribed by them, and another letter subscribed by Johnnestoun, to that tenor, the Lords ordain them to return to their own kirks, but forbid them and Johnnestoun to transcend the bounds of their parishes till freed by the said Lords. Page 19.

Edinburgh, 9th July.

Sederunt—Chancellor; Dumbar; Lotheane; Uchiltree; Lovat; President; Scone; Blantyre; Halyruidhouse; Bishop of the Isles; Bewlie, comptroller; Master of Lotheane; Constable of Dundie; Quhittinghame; Privy Seal; Justice Clerk; Advocate; Collector; Balvaird; Sir Alexander Drummond; Sir Lues Craig; Sir Johnne Arnot; Sir Alexander Hay; Foistersait; Mr William Hairt.

Home of Polwarth admitted of the Council.

By warrant signed by his Majesty, Sir Patrik Home of Polwart is admitted as one of the Privy Council and gives his oath.—See warrant of date 17th June 1608 among *Royal and Other Letters.*

Oath of allegiance by Sir Patrick Home and Sir Alexander Hay.

Sir Patrik Home of Polwart and Sir Alexander Hay, appearing personally, give their oath of allegiance, conform to the Act made thereanent (see vol. vii. pp. 374–5).

Prorogation of the expedition to the Isles from 24th July to 24th August.

As, because the "necessitie of the Kingis Majesteis service at the South and West Yllis will require some langer tyme" than at first was expected, the Lieutenant cannot keep the appointed meeting at Trouternes on 24th instant (*ante*, p. 123), but "mon spend some certane dayis langer for bringing of that service in the south to some settled perfectioun, quhilk wilbe put to some point about the middis of August nixt," the Lords prorogate the meeting at Trouternes of his Majesty's forces for the North Page 20.

Acta 1608–9. Isles to 24th August next. Intimation hereof is ordered to be made by open proclamation at the market crosses of the head burghs of the shires of Kincairdin, Abirdene, Banff, Elgin, Forres, Narne, Caithnes, Invernes, Orknay, and Cromartie, with charge to the lieges as before.

Sederunts, Fol. 64, a. The Earl of Dunfermling, Lord Scone, Sir Thomas Hammiltoun, and Mr Johnne Prestoun, conform to the King's letter of date 24th (? 20th) June last (see Royal Letter dated 20th June 1608), resign the commission given to them by his Majesty for componing of signatures of the treasury, to the effect George, Earl of Dunbar, treasurer, may take such order for discharge of that office hereafter as the King has specially willed him to do. Resignation by the componitors appointed to assist the Treasurer-depute.

Sederunt—Chancellor; Dunbar; Lotheane; Balmerinoch; Scone; Blantyr; Halyruidhous; Collector; Advocate; Sir Alexander Hay. Edinburgh, 11th July.

The Lords subscribe a letter to the Lord Deputy of Yrland acquainting him with his Majesty's choice of Lord Uchiltree as Lieutenant for the Isles, and of the "goode dispositioun of the Counsell to interteny a mutuall correspondence with his Lordship for the publict advancement of his Majesties service in boith kingdomes."—See, among the *Royal and Other Letters*, one of 13th July. Letter from the Council to the Lord Deputy of Ireland.

Sederunt—Chancellor; Crawfurde; Lotheane; Lovatt; Uchiltree; President; Scone; Blantyr; Haliruidhous; Master of Elphinstoun; Privy Seal; Justice Clerk; Balvaird; Quhittinghame; Advocate; Collector; Polwart; Sir Alexander Drummond; Mr Peter Rollok; Logy; Sir Lues Craig; Sir Johnne Arnott. Edinburgh, 12th July.

[No record of proceedings.]

Acta 1608–9. Page 20. *Sederunt*—Chancellor; Mortoun; Dumbar; Wyntoun; Perth; Lotheane; Uchiltree; Lovat; President; Scone; Blantyre; Halyruidhouse; Master of Elphingstoun; Burlie; Bewlie, comptroller; Justice Clerk; Advocate; Collector; Balvaird; Polwart; Foistersait; Logy; Sir Alexander Drummond; Sir Johnne Arnot. Edinburgh, 13th July.

Page 21. Being informed that there were "mutuall challengeis of combat past and ressavit" between Lord Sincler, David Seytoun of Parbroith, Johne Sincler, elder, and Johnne Sincler, younger, sons of Lord Sincler, on the one part, and the Laird of Cardoun and his three sons, on the other part, with designation of the time, place, and form of the combat,—which would have taken place but for the mediation of "some weill affected gentilmen,"—the Lords ordain both parties to appear before them on instant, without arms, to answer for this "verie grite insolence and contempt," and to bring with them all the challenges and letters exchanged between them. Charge to Lord Sinclair and the Laird of Cardon to answer for challenges to combat.

In the matter of the combat between the Master of Caithness and the Lord of Melrose.

The Lords, having "hard the relatioun" made by the Master of Caithnes, on the one part, and James, Commendator of Melrois, on the other part, as to the combat appointed to take place between them this day, find that the former in directing the challenge and the latter in accepting the same have committed "ane very greit insolence," and ordain them to be imprisoned in the castle of Edinburgh. Farther, David, Earl of Crawfurde, having become second to the said Master, and Sir Williame Anstruther second to the Lord of Melrois, both these seconds are also ordained to be committed to ward in the said castle. Sederunts, Fol. 64, b.

Edinburgh, 14th July.

Sederunt (*ante meridiem*) — Chancellor; Lotheane; Lovat; President; Blantyre; Halyruidhouse; Burlie; Bishop of Glasgow; Bishop of Orkney; Bewlie, comptroller; Master of Lotheane; Advocate; Collector; Clerk of Register; Constable of Dundie; Logie; Sir Lues Craig; Foistersait; Polwart; Sir Alexander Drummond; Sir Johne Arnot. Acta 1608–9. Page 21.

Act anent remissions.

As "divers personis hes purchest and obtenit remissionis, and undir the generall claussis thairof intendis to use the same as a defence aganis sic particulair crymes and offenssis as ar commitit be thame,—quhilkis crymes thay conceill the tyme of the purchessing of the saidis remissionis,"—the Lords ordain that no general clause inserted hereafter in any remission shall comprehend any particular not expressly mentioned therein.

Charge to the Earl of Morton and others in consequence of the slaughter of Lord Torthorwald.

Because of the "unhappie accident fallin out this day within this burgh" in the slaughter of James, Lord Torthorwall, by Williame Stewart, son of the late Sir Stewart, there is order to charge Williame, Earl of Mortoun, James, Commendator of Melros, Sir George and Sir Archibald Dowglassis, his uncles, Douglas, now of Torthorwall, William Douglas, apparent of Drumlangrig, Archibald Douglas of Toftis, and Sir James Dundas of Arnestoun, on the one part, and Andro, Lord Stewart of Uchiltrie, on the other, under pain of rebellion, to remain in their lodgings in Edinburgh till freed by the Council. Page 22.

Presbytery of Chirnside.

The Laird of East Nisbitt reports, conform to his Majesty's direction to him to see the constant moderator of the presbytery of Chirnesyde received, that the said presbytery have admitted Johnne Clappertoun to the said moderation. Sederunts, Fol. 65, b.

Presbytery of Jedburgh.

The Lords assign this day eight days to Sir Jedeone Murray for reporting his diligence in executing his Majesty's direction sent to him anent the presbytery of Jedburgh.

Kirkpatrick of Closeburn.

The Lords modify the fine of 100 merks imposed on young Closburne to £10.

Charge to William Stewart to answer for the slaughter of Lord Torthorwald.

Sederunt (*post meridiem*)—*ut supra*, with the omission of the Bishops of Glasgow and Orkney and the Clerk of Register, and the addition of Dumbar, Privy Seal, Justice Clerk, and Mr William Hairt. Acta 1608–9. Page 22.

The late James, Lord Torthorwall, "being walking in peciable and

Acta 1608-9. quiet maner upoun the hie streit of the burgh of Edinburgh upoun the fourtene of this instant, and lippyning for nothing les than ony trouble, injurie, or persute to have bene moved aganis him be ony of the freindis of umquhill James, Lord Stewart of Newtoun, seing his bairnis, quho wer the principall pairteis interest, had aggreit with the said Lord Torthorwall, and had ressavit full assythment and satisfactioun for all maters questionable betuix thame, nevirtheles, Williame Stewart, sone to umquhill Sir William Stewart, who wes bruther to the said umquhill James, Lord Stewart, finding the said Lord Torthorwall single and alane, without company, he disperatlie set upoun him and with ane half lang sword gaif him a deidlie straik behind his bak, quhairof immediatlie he depairtit this lyff"; for which he ought to be punished. There is therefore order to
Page 23. charge the said William Stewart personally, and, failing thereof, at the lodging of Andro, Lord Stewart of Uchiltrie, in this burgh, and by open proclamation at the market crosses of Edinburgh and Air, to answer before the Council on instant, under pain of rebellion.[1]

Charge to John MacPhail and William Murray to answer for assault and slaughter.

Johnne M°Phaill in Durnoch, and William Murray, bower there, having on 1st instant cruelly set upon Mr William Papp and Thomas Papp, ministers, and left them for dead, and having also unmercifully slain Chairlis Papp, there is order to charge them personally, or, failing thereof, at their dwelling places, if they have any, and by open proclamation at the market crosses of Invernes and Durnoch, to appear personally, and also to charge the Earl of Sutherland and M°Ky of Far, as their

[1] The "unhappy accident" in the High Street of Edinburgh on the 14th July 1608, which is the subject of the last two entries, and also of a letter from the Council to the King of the same date, printed among the *Royal and Other Letters*, was the last of a series of revenges all belonging to one and the same family feud.—As long ago as the 31st of December 1580, a certain bold Captain James Stewart of Ochiltree had denounced Regent Morton in young King James's presence at the Council Board in Holyroodhouse, and so been the occasion of bringing that famous statesman to the scaffold (vol. iii. p. 339). This Captain James Stewart had subsequently, under his usurped or questionable title of Earl of Arran, run his extraordinary career of political greatness, passing into the Chancellorship and Premiership for King James and absolute Dictatorship in Scotland. Overthrown from this high position in 1585, and dismissed into private life, he had passed eleven years in mere obscurity, when, on the 1st of December 1596, as he was riding along a solitary road in Lanarkshire, James Douglas of Parkhead, nephew of Regent Morton, assassinated him, and left his corpse lying by the highway (vol. v. p. 360). Since then the assassin, James Douglas of Parkhead, —known also as Douglas of Torthorwald, or as Lord Torthorwald, from his marriage with an heiress of the Carlyles, Lords Torthorwald,—had been going about with impunity; and there had been precautions on the part of the Council against the perpetuation of feud between the Stewarts of Ochiltree and the Douglases on account of the assassination of the once famous "Captain James." But now, on the 14th of July 1608, a William Stewart, nephew of the assassinated "Captain James,"—being the son of that Sir William Stewart of Monkton, younger brother of "Captain James," who, after some independent celebrity in Scottish public life, had been stabbed by Bothwell in Blackfriars Wynd in Edinburgh on the 30th of July 1588 (see vol. iv. p. 306),—has his revenge in full. Seeing Torthorwald, early in the morning, standing near the Cross in the High Street of Edinburgh, he cannot resist the opportunity, but thrusts a sword into his back, killing him on the spot. Nothing more is heard of the murderer himself, for the present at least; and the immediate care of the Council, it will be seen, is to prevent an outbreak of fury between the Ochiltree Stewarts, his kinsmen, and the Douglas kindred of the slaughtered Torthorwald.

landlords, and the said Earl as judge of the country, to present them before the Council, on , under pain of rebellion. Acta 1608–9.

John Butcher against David and Andrew Anderson for assaults.

Complaint by Johnne Bowtcheoure, merchant in Dundie, as follows:—On 13th May last Andro Andirsoun, son of Thomas Andirsoun of Cransley, having forgathered with complainer beside Lethame in Angus, pursued him for his life with a drawn dirk; upon 23rd May last, David Andersoun, the said Andro's brother, came to the complainer in the house of David Materis in Brechin, and there with his "fauldit neive" gave him a "great stryke upoun the face," and then laid at him with his whinger; and upon 25th May last, while complainer was "awaiting upoun his merchand stand" in the market of Abirbrothok, the said Andro with a "grite rung or battoun" gave him "ane deidlie stryke upoun the heid, quhairof he then fell deid to the ground."—Complainer appearing, defenders, for not appearing, are to be denounced rebels. Page 24. Page 25.

Decree against Sir James Sandilands for debt.

Complaint by Margaret Jowsie, relict of Johnne Howiesoun, merchant, burgess of Edinburgh, that Sir James Sandielandis of Slamanno remains unrelaxed from a horning of 25th June for not paying her £2050, 7s. 8d. as principal, £100 for expenses, and £40 as damage.—Complainer appearing by Archibald Douglas, defender, for not appearing, is to be apprehended by the Captain of the Guard, and his goods inventoried. Page 26.

Decree against PatrickGuthrie for debt.

Complaint by Ewphame Home, servitrix to Thomas Diksoun, merchant, burgess of Edinburgh, that Patrik Guthrie of Auchmutie remains unrelaxed from a horning of 18th April last for not paying her 120 merks as principal and £10 for expenses.—Complainer appearing by Johnne Broun, decree as above against defender.

Decree against William Jack for debt.

Complaint by George Baxter, flesher, burgess of the Cannogait, that William Jack in Deir remains unrelaxed from a horning of 27th March 1605 for not paying him £200 as principal and £40 for expenses.—Complainer appearing personally, decree as above against defender. Page 27.

Decree against Sir Andrew Balfour for debt.

Complaint by Edward Ker, tailor, burgess of Edinburgh, that Sir Andro Balfoure of Montquhany remains unrelaxed from a horning of 22nd June last for not paying him 900 merks, with expenses.—Complainer appearing by Archibald Douglas, decree as above against defender. Page 28.

Warrant to apprehend Margaret Mowbray and her spouse.

Complaint by William Rig, merchant, burgess of Edinburgh, that Margaret Mowbray, relict of Frances Naper, burgess there, and William Mowbray of Croftangrie, her spouse, remain unrelaxed from a horning of 18th June last for not paying him (1) 200 merks as principal and £40 for expenses, (2) £77 as principal and £20 for expenses, and (3) £73, 10s. as principal and £20 for expenses.—Complainer appearing by Johnne Gourlay, decree as above against defenders. Page 29.

Mr William Reid, notary in Aberdeen, against Habbakuk Bisset, writer to the signet, craving suspension of horning. Absolvitor to the pursuer.

Complaint by Mr Williame Reid, notary in Abirdene, as follows:—Letters of horning have been directed against him, at the instance of Abacuth Bissett, writer to the signet, for an assault on the said Abacuth alleged to have been committed by Andro Reid, complainer's brother, by complainer's special causing (*ante*, p. 115). Now, complainer having lately been in Edinburgh for eight or nine days, the said Bissett, whom he Page 30.

Acta 1608–9. had daily met there, "evir craftelie in all his counterfoote speitcheis with the said complenair inquired of his dyet hameward"; as to which "the said complenair, uncertane of the same, could gif him no direct answer." At last, learning that complainer was obliged to repair with all diligence to his own house, where his wife was at the point of death, Bissett, "resolveing to mak his advantage of this the said complenair his necessitie," caused deliver to him at the Nether Bow a copy of the said charge. He is most innocent of the alleged crime; but, in respect of his wife's state of health, he had been forced to underlie the censure of the Council by not appearing before them at the appointed day. On these grounds, and as he had found caution in 500 merks to answer this day,
Page 31. the said horning should be suspended.—Both parties appearing, and Bissett having produced his complaint (see *ante*, p. 115), the Lords, in respect of the complainer's appearing, do suspend the horning, and also assoilzie him from the complaint, because Bissett, after producing divers witnesses, has failed in his proof.

Sederunts, Fol. 65, b. Michaell, Lord Burley, having declared to the Council that William, Master of Sinclair, and James, Commendator of Melros, who had been committed to ward in the castle of Edinburgh for the challenge of combat passed between them (*ante*, p. 128), are now reconciled, the Lords request Burley to bring the said persons and their seconds with him to the Council. This he does, and they in presence of the Council declare that they are agreed. The Master of Caithness and the Lord of Melrose agreed.

Commissions, 1607–1616. Fol. 6, b. James Grahame, son natural of Robert Grahame of Knokdoliane, remaining unrelaxed from a horning of 27th June last, at the instance of Johnne Montgomerie, son of Sir Neil Montgomerie of Langschaw, for not finding caution to answer before the justice for the theft of a gray hackney gelding furth of Robert Grahame's stable of the Mylnetoun of Grougar, worth 500 merks, belonging to said Johnne, and for afterwards barbarously slaying the said gelding, commission of justiciary, signed by the Chancellor, is granted to the Captain and Lieutenant of the Guard, and to Hew, Earl of Eglintoun, Robert, Lord Semple, and the bailies of the city and regality of Glasgow, for his apprehension. Commission against James Grahame for theft.

Acta, 1608–9. Page 31. *Sederunt*—Chancellor; Craufurd; Mortoun; Wyntoun; Perth Dumbar; Bishop of Ros; Lotheane; Lovat; Balmerinoch; Blantyre; Halyruidhouse; Master of Lotheane; Master of Elphinstoun; Bewlie, comptroller; Privy Seal; Justice Clerk; Advocate; Collector Clerk of Register; Foistersait; Sir Lues Craig; Sir Alexander Drummond; Conservator Sir Johne Arnot; Mr William Hairt. Edinburgh. 21st July.

Page 32. Complaint by Alexander, Lord Elphinstoun, that Johnne Meldrum of Ordley remains unrelaxed from a horning of 13th June 1607 for not delivering to him, as assignee to Andro Meldrum, now of Drumbrek, all the goods and evidents specified in a decree of the Lords of Council of Decree against John Meldrum at the instance of Lord Elphinstone.

14th March 1607 as having been spuilyied from the said Andro by the said Johne furth of the Castle of Drumbrek, and also for not paying 20 merks for expenses and £5 as collector silver.—Complainer appearing by the said Andro Meldrum, defender, for failing to appear, is to be apprehended by the Guard, and his goods inventoried. Acta 1608–9. Page 33.

Decree against Strang of Balcasky and others for non-payment of certain dues.

Complaint by Henry Wardlaw of Balmull, chamberlain for the Queen of the lordship of Dunfermling on both sides of the water of Foirth, that Johne Strang of Balcaskie, Sir Johnne Melvill of Over Carnebie, Robert Ramsay of Balmonth, Richard Stewart, and Johnne Myll in Arnecroich remain unrelaxed from a horning of 1st July instant for not paying him, as chamberlain, certain bear and oats for the teinds of certain lands for the year 1607.—Complainer appearing personally, but none of the defenders, decree against them as above. Page 34.

Decree against Andrew Wardlaw and son for debt.

Complaint by Henry Dick in the Mylnetoun of Inchegall, and Sara Baverage, his spouse, that Andro Wardlaw, elder of Torrie, and Andro Wardlaw, fiar thereof, remain unrelaxed from a horning of 7th instant for not paying them 3000 merks as principal and £400 for expenses.—Complainers appearing personally, decree as above against defenders.

Decree against Barclay of Strowy for debt.

Complaint by Hew Moncreiff, brother of William Moncreiff of that Ilk, and George Moncreiff in Kirktoun of Maler, that the late David Barclay of Strowy, Elizabeth Seatoun, his spouse, and William Barclay, their son, remain unrelaxed from a horning of 23rd April 1605, at the instance of Mr Robert Ros of Cragie, for not fulfilling to him a contract of date 6th June 1603, and specially for not paying him 4000 merks as principal, £100 of liquidate expenses, and £10 for each charge, and also 700 merks as principal and 20 merks of expenses,—whereunto complainers are appointed cessioners by the said Mr Robert by his letter of assignation dated 6th June 1607.—Complainers appearing by Lourence Dischingtoun, decree as above against William Barclay for failing to appear. Page 35. Page 36.

Decree against Moutray of Seafield for debt.

Complaint by Michaell Law, burgess of Dysert, that Henry Mowtray of Seyfeild remains unrelaxed from a horning of 25th February last for not paying him £80 as principal, £40 for expenses, and £14 as consigned silver.—Complainer appearing personally, decree as above against defender. Page 37.

To denounce John MacGhie and others for not appearing to answer for resisting the King's Guard.

In consequence of the armed obstruction offered to his Majesty's Guard in June last, in the execution of their commission for apprehending Mr Gilbert Broun, sometime abbot of New Abbey, by Johnne M^{c}Ghie, sometime commissary clerk of Drumfreis, Johnne Maxwell, called Robert's Jok, Thomas Turnoure, called Thome of the Play, Mungo Grassie in Newabbay, Mr Richard Broun, son natural of the said Abbot, and Broun of Lochhill, with a "grite nomber of the rude and ignorant people" (*ante*, p. 119), charge had been given to the said Johnne M^{c}Ghie, Johnne Maxwell, Thomas Turnour, Mungo Grecy, Johnne Broun of Lochhill, and Mr Richard Broun to answer.—None of them now appearing, the Lords ordain them to be denounced rebels. Page 38.

Acta 1608–9.

Decree against Sir James Scott for debt.

Complaint by Frances Vandone, relict of Eustatius Rollok, that Sir James Scot of Abbotishall remains unrelaxed from a horning of 9th June last for not paying her £272 as principal and £20 for expenses.—Complainer appearing by Williame Sinclair, defender, for not appearing, is to be apprehended, and his goods inventoried.

Page 39.

Decree against William Mowbray for not finding caution of lawburrows.

Complaint by William Naper of Wrichthoussis, and Mr William Naper, his son, that William Moubray, fiar of Croftangrie, remains unrelaxed from a horning of 16th February last for not finding caution for their indemnity.—Said Mr William Naper appearing for himself and for his father, decree as above against defender.

Page 40.

Decree against John Watson for debt.

Complaint by James Williamsoun, burgess of Montrois, that Johnne Mylne at the mill of Rossy and Johnne Watsoun in the Westoun of Rossy remain unrelaxed from a horning of 30th July 1607 for not paying him £5 for every undelivered boll of victual mentioned in the letters of horning.—Charge had been given to Johnne Watsoun to answer; and now, complainer appearing by James Guthrie, there is decree as above against defender.

Page 41.

Mr Gilbert Brown to be delivered by John and David Maxwell to the magistrates of Dumfries.

Johnne Maxwell of Kirkconnell and David Maxwell of Kilmacolme having, by their band dated 25th June last, obliged themselves as cautioners for Mr Gilbert Broun, sometime Abbot of Newabbay, that he should remain in his chamber in the Newabbay till 1st August next, and the said day now approaching, and there being no surety for the said Mr Gilbert after the said day, there is order to charge the provost and bailies of Drumfreis to repair to the Newabbay on 30th instant, and there to take delivery of the said Mr Gilbert from his said cautioners, who are bound to have him there that day. If the magistrates do not find him in his chamber there, they are to apprehend him wherever found, and to commit him to ward in the pledge chamber of their burgh, and detain him there, under pain of rebellion. The said cautioners are to be charged to present him to the said magistrates, or else to show cause to the contrary before the Council on 4th August next, under pain of contravention of their said band.

Page 42.

Warrant for the apprehension of Martin of Cardon and his sons.

Order to the Captain and Lieutenant of the Guard to apprehend George Martyne of Cardone, and Andro and Robert, his sons, denounced rebels for not appearing before the Council to answer for their sending of "cartellis and challengeis of combat" to Patrik, Lord Sinclair, and to present them before the Council on 4th August next for trial and punishment. The Lord Sincler, Mr Johnne Sincler, and the rest of his company ordained to remain in ward till the said day.

Sederunts. Fol. 66, a.

Acta 1608–9. Page 42.

Sir Andrew Kerr of Greenhead against Scott of Haining and others for violence and oppression.

Complaint by Sir Andro Ker of Heytoun, as follows:—He had been in the undisturbed possession of the mill of Selkirk, with the mill-dam, multures, and pertinents thereof, till 1st and 4th June last, when Robert Scot, younger of Hanyng, accompanied by Thomas Young, Frances Scot, Williame Ellot, Patrick Broun, and William Thomesoun, all servitors to Robert Scot, elder of Hanyng, armed with swords, gauntlets, and plate sleeves, of the special causing of the said Robert, elder, came to the said

mill, upbraided the complainer's millers, and then "violentlie cuist out the dam-heid furth thairof." Again, on 9th June last, the said Robert, younger, accompanied by Patrik Murray, brother of Sir Johnne Murray of Phillophauch, Thomas Young, Patrik Broun, Adam Langlandis, George Scott in Woll, Waltir Gledstanes in Hanyng, Frances Scott, James Kersoun, "hornair," James Gledstanis, Williame Ellot called of Horsliehill, James Scot, son of John Scot of Nework, with others, all armed, and caused as aforesaid, came to the said mill and avowed with "mony horrible and blasphemous aithis" to have the lives of the complainer's servants if they did not depart from the mill, and, when they did depart, demolished the stands, hopper, "hupis," wheels, and the other furniture of the mill.—Charge had been given to the said Robert, elder, and Robert, younger, and to Waltir and James Gledstanes, Thomas Young, William Ellot, James Scot of Nework, Adam Langlandis, Frances Scott, Patrik Murray, George Scot, and James Kersane, to answer; and now, pursuer appearing by Captain Johnne Ker, his brother, and Robert Scot of Hanyng appearing personally, and promising to answer for the said Thomas Young and Will Ellot in the matter, but none of the other defenders appearing, the Lords find the complaint proved against Robert Scot, younger, Thomas Young, William Ellot, and James Corsane; for which the first and last are to be charged to enter in ward in the tolbooth of Edinburgh within six days after the charge, under pain of rebellion, while the said Robert, elder, is to enter Thomas Young and Williame Ellot before the Council on 4th August next, under the said pain. The said Robert, elder, and the rest of the defenders, are assoilzied.

Acta 1608-9. Page 43.

Page 44.

Page 45.

Mr William Reid, notary in Aberdeen, against Habbakuk Bisset for slander and calumny. Defender censured for his malicious conduct.

Complaint by Mr William Reid, burgess of Abirdene, that Abacuth Bissett, writer, having conceived malice against him for no other reason than "upoun occasioun of some little eleist fallin out" between the defender and Andro Reid, his brother, wherein the complainer has no interest, has not only most maliciously accused him of "falset, counterfooting of handwrittis, and sic otheris sclanderis," but charged him to come from Abirdene to answer in the dispute between the defender and said Andro. The complainer accordingly appearing, the Lords had assoilzied him from that matter (*ante*, pp. 130–131). Bissett, finding himself disappointed of that pursuit, has now raised criminal letters, under the borrowed name of the Advocate, charging complainer, and Marione Rolland, his spouse, to answer before the justice in the tolbooth of Edinburgh on 2nd November next for the crime of adultery, alleged to have been committed between complainer and the said Marione. Now, they had been lawfully married fifteen years ago in the kirk of Colsamond, in the presbytery of Abirdene, by the late William Straith, minister there, and have ever since cohabited in Abirdene; their marriage has never been called in question; all their bairns have been baptised by the bishop and ministers of Abirdene, and the complainer himself has for divers years borne office in the kirk and session of Abirdene, sometimes as deacon and sometimes as one of the quartermasters of the kirk. In the whole course of his life he has approven

Page 46.

Acta 1608–9. himself an honest man, free of these "havie and sclanderous imputationis most foolishlie and maliciouslie gevin out aganis him be the said Abacuth; whose malice and wicked dispositioun is not onlie extendit aganis the said complenairis selff, as the saidis Lordis may persave, bot aganis his innocent and young children, whome he preissis be his malicious and folische inventionis to caus be repute bastardis." Farther, if the complainer had been suspected of adultery, the bishop, presbytery, and session of Abirdene, Page 47. "who hes a moist strict and preceis forme of discipline in thair kirk," would not have suffered such a slander on their kirk to rest untried.—Both parties appearing, the Lords find that the defender has behaved himself "verie maliciouslie" against the pursuer, and therefore "verie schairplie" admonish him to forbear such form of doing hereafter. They also command the justice and justice clerk to desert the said diet against Reid.

Page 48. Complaint by Masters Johnne Arthoure, Thomas Hendirsoun, Adame King, and James Bannatyne, commissaries of Edinburgh, as follows:— Alexander Peirsone, burgess there, having raised an action before the provost and bailies of Edinburgh against Hew Peblis, executor to the late Nicoll Penstoun, tailor there, for payment of £220 due to him by the said Nicoll, the said Hew, in respect that the said magistrates were not the proper judges, had appealed to the said complainers as the only judges competent, desiring them to inhibit the bailies from all farther proceding in the cause and to remit the same to the said commissaries. The said commissaries had directed their inhibition accordingly; but, Johnne Edzer, executor of the said inhibition, having delivered a copy thereof to Page 49. Archibald Adamsoun and James Anislie, bailies of Edinburgh, while they were sitting in judgment in the Low Tolbooth, Mr Johnne Hay, their clerk-depute, "tuke and maist unreverentlie rave the samyn, and thairefter tuke the said principall inhibitioun, schawin and producit before thame, and rollit the samyn verie unformalie up as gif it had bene ane kaitch ball, and pat the samyn in his poutch, uttering and declairing maist disdanefull and contemptuous wordis, saying that he wald nather ken nor regaird the samyn, and, gif the executour thairof wald speik ony mair, he wald ryve the samyn as he did the copy."—Charge had been given to Hay to answer; and now, both parties appearing, the Lords find the complaint clearly proven, and therefore ordain the defender to be committed to ward in the castle of Edinburgh.

The Commissaries of Edinburgh against Mr John Hay for contempt of court. The defender ordered into ward.

Page 50. Complaint by Mr Edward Merschell, clerk of the commissaries of Edinburgh, as follows:—While he was repairing his "foir tenement of land lyand besyde the croce of the burgh of Edinburgh, upoun the south syde of the hie streit thairof, fra the ground up als far furth toward the hie streit as is the hingand stairis of ony nixt nichtbouris"—conform to a license from the King and Council, by which he was also authorised to "raise the calsay beneth the foirstair, and thairin to infixt thrie pillairis or upstandairis of aik for uppropingand upbeiring of the said stair,"—the bailies and council of the burgh of Edinburgh caused stop the said work, alleging the same to be "prejudiciall to the lichtis of thair kirk."

Dispute as to a house under repair beside the Cross of Edinburgh.

In these circumstances complainer prays that the Lords will appoint some of their number to visit the said house and "to set ane jedge" how far he shall proceed in the said work.—Charge had been given to the defenders to answer; and now, Mr Edward appearing personally, and Richard Dobie, Williame Speir, and Archibald Adiesoun, bailies, and Roger M°Naucht, dean of guild, and Mr Alexander Guthrie, clerk of the said burgh, being also present, both parties agree to submit the question between them "for seting of ane jedge" to the persons following:—viz. Mr Johnne Prestoun of Pennycuke and Sir Johnne Arnot, treasurer-depute, nominated by the defenders, and James, Lord of Balmerinoch, president, and Sir Thomas Hammiltoun of Bynnie, King's Advocate, nominated by the complainer. Acta 1608 9. Page 51.

John Corsan enters certain men of Dumfries.

Johnne Corsane, bailie of Drumfreis, enters before the Council Johnne Croket, tailor in Drumfreis, Johnne Bryce, younger, there, Andro Swan, maltman there, Johne Murdo, glover there, and Johnne Diksoun there, conform to his obligation dated 7th July last (*ante*, p. 125).

John Corsan and others committed to ward.

Johnne Corsane, bailie of Drumfries, Johnne Bryce, younger there, and Williame Cowthird there, to be committed to ward in the tolbooth of Edinburgh and detained there, with the other inhabitants of Drumfreis now in ward, till they give up the authors of the commotion against Sir William Cranstoun on 2nd May last (*ante*, p. 86).

Commission for the trial of John Kinloch for slaughter.

Hary, Commendator of St Colme, having lately apprehended Johnne Kinloch, sometime in Inchegawmylne, for the slaughter of William Andirsoun, sometime in , and Johnne Gib in Over Lasuddy Easter, commission of justiciary, signed by the Chancellor, the Earl of Craufurde, Lord Halyruidhouse, John Prestoun, Cokburn, and Mr William Harte, is granted to the said Commendator, Patrik Stewart of Baith, and Henry Wardlaw of Balmull, for putting Kinloch to the knowledge of an assize and dealing with him according to verdict. Commissions. 1607–1616. Fol. 7, a.

Edinburgh, 23rd July.

Sederunt—Chancellor; Lotheane; Bishop of Glasgow; Blantyre; Halyruidhouse; Comptroller; Privy Seal; Collector; Foistersait. Acta 1608-9. Page 51.

Proclamation announcing the suppression of O'Doherty's insurrection in Ireland, warning against the reset of Irish fugitives in Scotland, and offering a reward in particular for the production of Phelim Reogh M°David or his head.

"Forsamekle as the wicked and detestable traytoure O'Doharty, who of lait had schaikin of his obedience to his sacred Soverane and commitit sindrie villaneis aganis his Majesteis good subjectis in Yreland, is now, by the providence of Almichtie God, and by the pouer and force of his Majesteis royall airmey, slane and overthrawin upoun the fyft of this instant, to the conforte and joy of all honest-hairtit subjectis, and to the schame, terrour, and confusioun of traytouris: quhairby it hes bene the good pleasoure of God, by quhois divyne providence and cair his Lieutennentis in earth ar mantenit and upholdin, to schaw his just judgement upoun that traytourous and unworthie crayture, and to declair to the warld that schame and confusioun is the dew rewaird of trasoun: And, seing sindrie of his adherentis and followairis in that rebellioun ar now brokin and scattered, and, be all appeirance, sall withdraw thameselffis to some Page 52.

Acta 1608–9. pairtis of this cuntrey, and thair to lurke and ly obscuire and hidd, for eschewing thair apprehensioun and condignne punischement for thair falshood and treasoun, it becomeith thairfore all his Majesteis good and faithfull subjectis of this cuntrey, who ar tuitchit with the haitrent and detestatioun of such detestable villaynns and traytouris, to be verie cairfull and diligent not onlie in the searcheing, seiking, and apprehending of thame in caice thay sal happin to repair heir, bot lykewyse to gif strait ordoure and directioun that none of thame have ony ressett, conforte, supplie, protectioun, or mantenance in thair boundis. For quhilk purpois ordanis letters to be direct to command and chairge all his Majesteis good subjectis, be oppin proclamatioun at all placeis neidfull, that nane of thame presome nor tak upoun hand to resset, supplie, protect, schaw favoure, conforte, or mantenance to, ony fugitiveis of Yreland, bot to search, seik, tak, and apprehend thame gif thay sal happin to come in thair boundis, and to bring and present thame to his Majesteis Counsale; and, gif thay be not of power to tak thame, that thay schoute thame, raise the fray, gif wairning to those who ar of power and moist ewest, and nevir leave of the pursute and following of thame quhill thay be apprehended: certifeing all and sindrie personis who sall do in the contrair heirof that thay sall be persewit and punist thairfore to the dead without
Page 53. favoure. And, whereas Phelim Reogh M^{c}David hes bene one of the cheif and principall actoris in this rebellioun, and is eschaiped quhen the rest of his complices wer worthelie slane, thairfore the Lordis of Secrite Counsale doeth signifie and declair, and thairwithall faithfullie promeissis, that whatsomevir persone or personis in the Yllis or Continent nixt adjacent will apprehend the said Phelim Reogh M^{c}David, and bring and present him quick to the said Lordis, and, failyeing thairof, his head, that not onlie sall the presentair have a honnourable rewaird thairfore, bot lykwyse he sall haif his Majesteis gratious pardoun and remissioun for his bigane misdeidis, he finding cautioun for his dew obedience in tyme comeing and for payment of his Majesteis rentis."[1]

Mr John Hay against Mr Patrick Lindsay for "insolence," at the Council House door.

Complaint by Mr Johnne Hay, clerk-depute of Edinburgh, that, he having yesterday repaired to the Council to answer for his alleged "misbehaviour" in the "ryveing" of the copy of inhibition used by Mr Johnne Arthoure and the other commissaries of Edinburgh against the bailies thereof (*ante*, p. 135), Mr Patrik Lindsay, near kinsman of the said Arthoure, principal mover of the charge against the complainer, at the
Page 54. very Council house door, by the command of the said commissary, threatened the complainer, "horriblie sweiring he sould tak the said complenair be the nose, and, gif he had him out of that place, he sould have the best blood of the said complenairis body."—Pursuer appearing personally, and defenders being also present, the Lords find the complaint against Lindsay clearly proven, and order him to be committed to ward in

[1] This Proclamation connects itself with the first of two consecutive letters to the Council from the Lord Deputy of Ireland, which will be found among the *Royal and Other Letters* for July 1608.

the tolbooth of Edinburgh, but assoilzie Arthoure, because complainer has failed in proof against him. Acta 1608-9. Page 55.

Mr Patrick Lindsay against Mr John Hay in the same matter.

Complaint by the said Mr Patrik Lindsay, son of the late Mr Hew Lindsay, parson of Covintoun, as follows:—On 21st instant, while he was awaiting on the Earl of Craufurd, his master, at the Council house door, the said Mr Johnne Hay, clerk-depute of Edinburgh, standing also at said door, "began to utter mony impertinent and uncomelie speitcheis aganis the commissaris of the burgh of Edinburgh, calling thame unhonnest personis and not worthie of that chairge and place quhilk they held of his Majestie, and that he wald fecht thame or ony in thair names or kyn quho wald say in the contrair." Further, knowing that complainer was the kinsman of Mr Johnne Arthoure, the said Hay directed his speeches to him, at last "appeallit him to the combat," and would have put violent hands on him if he had not been stayed by the gentlemen present.—Both parties appearing, the Lords assoilzie the defender, because the pursuer has failed in his proof. Page 56.

Mr John Arthur against Mr John Hay in the same matter.

Complaint in the same matter by Mr Johnne Arthoure, one of the commissaries of Edinburgh, against Mr Johnne Hay:—Not content with the "indignitie" done to the commissaries of this burgh for which he has been punished (*ante*, p. 135), Hay had "upbraidit thame with moist injurious and uncomelie speitcheis, offering the combat to the said complenair," and protesting that he would not acknowledge the commissaries or their jurisdiction, "bot onlie the bischopis as ordinarie judgeis in spirituall caussis."—Both parties appearing, the Lords assoilzie the defender, because, the complaint having been referred by complainer to his oath, he has sworn that it is not true. Page 57.

Licenses to Lord Keith and Sir John Wishart to go abroad.

Licence, signed by the Chancellor and John Prestoun, to William, Lord Keith, Master of Marschall, to go to England or any place beyond sea, and to remain furth of this kingdom years, on condition of his doing nothing prejudicial to the realm or to the true religion. Licence to the same effect for one year to Sir Johnne Wishart of Pittarro. Commissions. 1607–1616. Fol. 9.

Linlithgow, 29th July.

His Majesty's interposition for composing the feud between the Earls of Glencairn and Eglintoun.

The long standing variance between James, Earl of Glencairne, and his friends underwritten, on the one part, and Hew, Earl of Eglintoun, and Robert, Lord Semple, and their friends underwritten, on the other part, having been submitted in January 1607 to certain friends chosen for that purpose, and the said friends, in consequence of some disagreement anent the nomination of an oversman, having at last given up the said submission, so that now his Majesty is only judge arbiter in that matter (vol. vii. pp. 158, 160), his Majesty, considering that the continuance of this feud is a "grite hinder" to his service, has given order for settling it by a decree to be pronounced in his Majesty's name. There is therefore order to charge the following persons, under pain of rebellion, to appear before the Council on 10th August next to hear such decree given, with certification that, if they do not appear, sentence will be pronounced on said day and they will be compelled to obey:—viz., on the one part, the Earl of Glencairne, Acta 1608-9. Page 57.

Acta 1008-9. Johnne Cunynghame, his brother, Alexander Cunynghame of Corshill, Patrik Maxwell of Newwark, Cunynghame of Robertland, Johnne and David Maxwellis, brothers of the Laird of Newwark, Johnne Maxwell of Stanelie, Cunynghame of Aiket, Cunynghame of Clonbaith, Mr James Cunynghame of Montgrenane, Patrik and William Cunynghames of Aiket, Alexander Cunynghame of Tourlandis, Andro Arnot, younger of Lochrig, Mungo Mure, brother of the Laird of Rowallane, Robert Cunynghame, brother of Archibald Cunynghame of Kirkland, Williame Maxwell, father-brother of the said Laird of Newwark, Bartilmo Maxwell, Gabriell Cunynghame, brother of the Laird of of Craiganis, Robert Boyd of Clerkland, and Abrahame Cunynghame, called of Corshill; and, on the other part, the Earl of Eglintoun, Lord Semple, Robert Mure of Cauldwell, Sir Neill Montgomerie of Langschaw, Robert Montgomerie of Skelmurlie, Robert Montgomerie of Hessilhead, James Mowat of Busbie, James Dunlop of that Ilk, Hew Ralstoun of that Ilk, George Montgomerie, brother of the Laird of Skelmurlie, and William Montgomerie of Busbie. There is order also to
Page 59. charge the following friends of the said parties to appear before the Council on the said day "to assist the said aggrement," and to be also reconciled, under pain of rebellion:—viz. Sir James Cunynghame of Glengarnok, Johnne Cunynhame of Cunynghameheid, William Cunynghame of Capringtoun, Alexander Cunynghame of Craiganis, Robert Cunynghame of Auchinhervie, Robert Cunynghame of Watterstoun, William Porterfield of that Ilk, Johnne Cunynghame of Hill, William Cunynghame of Polquharne, Cunynghame of Langland, William Cunynghame of Brumehillis, Hew Montgomerie of Braidstane, James Mure of Thornetoun, and Robert Fergushill of Fergusland. The Earl of Glencairne and his friends are to be charged to come to Edinburgh on Monday 8th August, and the Earl of Eglintoun, Lord Semple, Hew, Lord of Loudoun, and their friends, on Tuesday 9th August. When they come to Edinburgh, they are to go to their lodgings and remain there till sent for by the Council. They are to come in peaceable maner, without any kind of armour, except their swords; and the whole number on either side must not exceed 40 persons.

Page 60. Some variance having lately fallen out between Robert, Lord Semple, and Alexander Cunynghame of Craiganis, there is order to charge both parties, under pain of rebellion, to subscribe, within 24 hours after being required, such form of mutual assurance as shall be presented to them, to endure till 1st August 1609. Charge for assurance between Lord Sempill and Cunningham of Craigens.

Edinburgh, 2nd August.[1] "Forsamekle as it hes bene the goode pleasoure of God to grant unto our Sacred Soverane a glorious and notable victorie over the wicked and detestable traytour O'Dogarty, who, of lait haveing schaikin of his obedi- Proclamation for the apprehension of Phelim Reogh MacDavid, and

[1] The Council, it will be observed, are now back in Edinburgh, where their last meeting had been on the 23rd of July, their single intervening meeting having been at Linlithgow. The cause of their week's migration to Linlithgow had been nothing less than the holding

against transporting soldiers out of Ireland.

ence to his Sacred Soverane and raising ane oppin rebellioun aganis his Majestie in the cuntrey of Yreland, is now, in the just judgement of God, and by the pouer and force of his Majesteis royall airmy, overthrawin and slane, to the schame, terrour and confusion of traytouris, God thairby manifesting his divyne providence and cair quhilk he hes evir had for the preservatioun and mantenance of all lauchfull authoriteis, and in quhat detestatioun he haldeth ungraitfull, disloyall, and trayterous subjectis, who, spending the course of thair naturall lyff in impietie, treasoun, and fals- Acta 1608-9.

in that town, from Tuesday 26th to Saturday 30th July, of that General Assembly of the Kirk which, after so many prorogations, had been fixed at last by royal edict (*ante*, p. 117), and which was the first regular General Assembly since that at Holyroodhouse in November 1602. For a full account of the proceedings see Calderwood vi. 751–778, and for a sketch Spotswood 505–507. — Law, Bishop of Orkney, was elected Moderator of the Assembly, though but by a majority of three votes over Mr Patrick Simson, nominated in the Presbyterian interest. The real management of the Assembly, however, in conjunction with Law, was in the hands of the great Earl of Dunbar, who had come from London as King's Commissioner for the purpose about a month before (*ante*, p. 122, footnote) and had been making careful preparations. About forty Noblemen and Councillors sat in the Assembly with Dunbar, of whom the Earls of Lothian and Wigton and Collector Preston were assumed by him as his assessors.—The aim of Dunbar, and therefore of his assessors, of the Episcopal Moderator and the other Bishops, and of the King's party generally, was to direct the discussions of Assembly into the channel of some one great business in which all could agree, and which should sufficiently occupy their sittings, and so minimize the amount of attention bestowed on controversial matters, and especially on the question between Episcopacy and Presbyterianism. In this there was marvellous success. Nearly the whole time of the Assembly, day after day, was consumed in discussions on the causes of the increase of Popery in the realm, the remedies to be adopted, the punishments to be inflicted on the most notorious and obstinate Roman Catholics of high rank, and the means for the future of detecting and bringing to account Jesuit priests and their disciples and resetters. That was a subject on which the King could now give the Assembly, and the Scottish nation generaly, all liberty His policy with regard to it, very fluctuating hitherto (so that the Scottish clergy and people had often complained of his protection of Roman Catholics and disposition to tolerate their religion), had become more determinate in the anti-Catholic direction in both kingdoms since the Gunpowder Plot alarm of November 1605; and, though he had continued for some while after that to interpose between the persecuting zeal of the Scottish clergy and such Roman Catholic delinquents as his old friend the Marquis of Huntly (see vol. vii. by Index), he was now willing to abandon these delinquents to their fate. Actually, in this General Assembly at Linlithgow, the long-pending case between the Kirk and the Marquis of Huntly was brought to a close. Having lingered on in Scotland notwithstanding the permission given him to go abroad, he now made a last appeal to the Assembly, through his procurator, for a further time of grace, professing to be "farre from an opiniatour," and offering security that at the end of the time he would either conform or go into exile; but the Assembly declined the appeal as frivolous, came to a unanimous decree for his excommunication, and saw the sentence then and there pronounced with all solemnity by the moderator. The excommunications, within specified dates, of the three other chief Roman Catholic noblemen of Scotland,—the Earl of Angus, the Earl of Errol, and Lord Semple,—were referred to the presbyteries of Glasgow, Perth, and Irvine respectively.—Occupied with these censures, and with details of the ways and means for detecting other Papists and suppressing Popery throughout Scotland,—in all which the Episcopal party and the Presbyterians could be at one,—the Assembly, as has been said, had little time for *quæstiones vexatæ* between the two parties themselves. There were, indeed, supplications on behalf of the Melvilles and the other exiled and secluded Presbyterian ministers, concurred in by the Bishops, and in furtherance of which the Earl of Dunbar undertook to do his best. Also, on the last day of the Assembly's sittings but one, there *was* some consideration "anent the distractioun and eyelasts that were entered into the hearts of the ministrie," with a classification of them into the two sorts of "distractioun of affectiouns" and "diver-

Acta 1608–9. hoode, make thair end and funerallis to be infamous, tragicall, and miserable. In the quhilk conflict and overthraw Phelim Reogh M^c^David, foister bruther to the said traytour O'Dogharty, with ane base brother of his, who wer cheif councellouris and actoris with him in his rebellioun and treasoun, ar eschaiped and reserved to some futur tyme of Godis
Page 61. havie wraith and judgement to lyght upoun thame; and in the meane seasoun thay ar lurkeing about the say coistis, awaiting the opportunitie and meanis to eschaip and to be transported over in this kingdome, that thairby thay may eschaip punischement. And, as it hes pleasit God to mak that

tie of opiniouns." For cure of the first sort, pronounced "carnall and therefore more dangerous," the cultivation of a spirit of mutual kindliness, with a laying down of "all rancour," was recommended. As regarded "the secund caus of eyelasts, which is said to arise upon the diversitie of opiniouns," the Assembly contented itself with the deliverance that, "because the said diversitie of opiniouns resulteth upon different judgements among the brethrein concerning the externall governement and discipline of the Kirk, which cannot be so shortlie discussed and advised upon as the brevitie of the Assembly permitteth," therefore "the same sould be delayed to a tyme more convenient," with the appointment meanwhile of a committee of twenty (five of them Bishops and others of the Episcopal side, but with some Presbyterians among them) to consult on the subject with his Majesty's Commissioners and report to next General Assembly. That next Assembly was appointed to be held at Edinburgh on the last Monday of May 1609, "if his Majestie sall thinke expedient."—Besides the Committee on the "eyelasts," the Assembly left the following bodies in charge of Kirk-affairs :—(1) The usual body of COMMISSIONERS OF THIS ASSEMBLY, with general plenipotentiary authority till the next should meet, consisting of thirty of the members of the Assembly (eleven Bishops and a good many others of the Episcopal party among them), eleven to be a quorum; (2) a small committee of seven, with the Earl of Dunbar at their head and Archbishop Spotswood one of them, to negotiate with his Majesty as to the overtures made to him by this Assembly for the suppression of Popery and the detection and punishment of Papists, and be prepared to report results by the 16th of November next; (3) a larger committee of forty-eight nobles, lords, and ministers, to be conjoined with the Commissioners of the Assembly, for reception of the report of the last-mentioned small committee at a convention on the said 16th of November.—It is not surprising that Andrew Melville, in his prison in the Tower, and James Melville, in his exile in the north of England, regarded the proceedings and results of this Assembly at Linlithgow in July 1608 as wholly a gain for the Episcopal cause, and that Presbyterian historians take that view also and remember it as one of the Assemblies of the recreant time. Had the two Melvilles been present, or a few of the other more resolute chiefs of the Presbyterian cause, matters might have turned out differently, or at least there would have been a more vehement anti-Episcopal demonstration. There can be no doubt that it was the absence of those real Presbyterian chiefs, some of them in exile, and others in compulsory seclusion here and there in Scotland, that caused the tame and non-pugnacious character of this Assembly, its virtual acquiescence in the King's measures of Kirk-polity as foregone and irretrievable conclusions. The dexterous management of the Earl of Dunbar, however, must count for something. Whether, in this dexterous management, there was any use of the money he is said to have brought with him from London (*ante*, p. 122, footnote) is a more delicate question. Andrew Melville, in a private tract he wrote in the Tower about this time, in confutation of a printed anti-Presbyterian sermon of the English divine and logician Dr Downham, copies of which had been sent to Scotland just before the meeting of the Linlithgow Assembly, has this insinuation,—"Suche tautologeis and vaine baibling I would never have looked for at this tyme to have proceeded from a man that is a logicianer, nor to be directed toward the north for convincing of our brethren; who, if they be not corrupted more with the 14,000 pund sterline sent thither, *tanquam aureus hamus*, the evidence of this booke, and demonstratioun of the profane follie of men, can never be able to perswade" (Calderwood, vi. 744). Some such rumour was going about; and we may hear of it again, or rather of a repetition of it on a later occasion, when Spotswood gives an explanation of the facts on which it may have been founded.

miserable and unworthy creature O'Dogarty to perishe in his awne folleyis and treasoun, and thairby to registrat unto his posteritie ane infamous note of falshoode and treasoun, so it becomeith us all who ar his Majesteis dewtifull and loyall subjectis, and who, in conscience towardis God and in dewtie and allegeance to oure Prince, aucht to be sensible of the harmeis sustenit be everie pairt and member of that body quhairof his Majestie is the heid, to have a speciall cair and regaird that none of these fugitives of Yreland have ony resset, supplie, protectioun, or mantenance in this cuntrey, bot to prosequute thame with fyre and sword, as tratoris to God, thair prince and cuntrey. And, to the effect the moir diligence and cair may be used for the persute and apprehensioun of the said Phelim Reogh M°David in caise of his arryvaill in this cuntrey, the Lordis of Secrete Counsale doeth heirby signifie and declair, and thairwithall faithfullie promissis, that whatsomevir persone or personis of this kingdome will tak [and] apprehend the saidis Phelim [? and his base brother] and bring him [? them] quick or deid to the saidis Lordis, that the takairis, apprehendairis, and presentairis of thame sall have twa hundreth pundis sterling money, extending to twa thousand and foure hundreth pundis Scottis money,[1] deliverit to thame in present and reddy payment; and, besydis, thay sall have his Majesteis gratious pardoun and remissioun grantit unto thame for all thair bigane misdeidis. And, whereas the saidis Lordis ar informed that a grite nomber of the Grames who wer confynnit be his Majestie in Yreland, togidder with the souldiouris send thair oute of Northumberland, Cumberland, and Westmerland, doeth daylie withdraw and reteir thameselffis out of that cuntrey, and ar maist frequentlie transportit in schippis and veschellis of this kingdome be personis who frequentis the Yreland coistis for thair trade, quhairby his Majesteis garisoun and forceis is greatlie waiknod and the enemie encurageit and strenthned in thair rebellioun, thairfore the saidis Lordis ordanis letters to be direct to command, chairge, and inhibite all and sindrie personis of this kingdome, be oppin proclamatioun at all placeis neidfull, that nane of thame presome nor tak upoun hand to ressave in thair schippis and veschellis and to transport out of Yreland ony of the inhabitantis thairof, of quhatsumevir rank, qualitie, or degrie thay be of, without especiall licence of the Lord Deputie had and obtenit to that effect, undir the pane of deid,—certifeing theme that sall do in the contrair that the said pane salbe execute aganis thame without favoure."[2]

Acta 1608–9.

Page 62.

Edinburgh, 3rd August. Commission against Neil MacGregor and John Ross for theft.

Neill M°Gregour and Johne Ros M°Fersane, sorners of clans, having been lately apprehended red-hand with five horses and mares reft by them from persons in the in-country, commission of justiciary, signed by the Chancellor and Secretary, is granted to Sir James Stewart of Balliachin, Thomas Abircromby of that Ilk, Patrik Butter of Gormuk, and Andro

Commissions. 1607–1616. Fol. 7, b.

[1] A valuable hint as to the equation of English money with Scots in the year 1608.

[2] Connect with the two letters to the Council from the Lord Deputy of Ireland printed among the *Royal and Other Letters* of July 1608, the second dated the 27th.

Acta 1608-9. Hering of Little Blair, to put them to the knowledge of an assize and to dispose of them according to verdict.

Page 62. *Sederunt*,—Chancellor; Craufurd; Dumbar; Lotheane; Tullibardin; Bishop of Glasgow; Bishop of Ros; Bishop of Brechin; Bishop of Galloway; President; Torphechin; Scone; Bugcleuch; Blantyre; Halyruidhouse; Bewlie, comptroller; Master of Lotheane; Master of Elphinstoun; Justice Clerk; Privy Seal; Advocate; Collector; Clerk of Register; Constable of Dundie; Kilsyth; Quhittinghame; Mr Petir Rollok; Polwart; Sir Lues Craig; Sir Alexander Drummond; Sir Johnne Arnot; Mr William Hairt. Edinburgh, 4th August.

Complaint by George, Earl of Dumbar, treasurer, for his Majesty's interest, and by Cristiane Broun, relict of James Philp in Bacullie, that Petir Greig in Kingarroch remains unrelaxed from a horning of 21st July last for not paying to either of them the half of £500 mentioned in the letters of horning.—Complainers appearing by David Philp, defender, for not appearing, is to be apprehended by the Captain of the Guard, and his goods inventoried. Decree against Peter Greig for debt.

Page 63.

Complaint by Robert Stratoun in the town of Stratoun that, on 19th July last, James Simpsoun there, without cause, fiercely set upon him in Stratoun, pursued him for his life with a long fork, and therewith "ran him throw the heid, sua that thairby he fell to the ground," where he received "mony bauch, bla, and bludy strykis."—Pursuer appearing by Stratoun, his father, defender, for not appearing, is to be denounced rebel. Robert Straton against James Simpson for assault.

Page 64.

Complaint by Gawin Ellote of Burgh that Hob Ellot, called Syme's Hob, Hob Ellot, called Archie's Hob, and Niniane Ellot, his brother, remain unrelaxed from a horning of 19th July last for not finding caution in 500 merks for the indemnity of complainer and his men.—Complainer appearing personally, defenders, for not appearing, are to be apprehended by the Guard, and their goods inventoried. Decree against Hob Elliot and others for not finding caution.

Page 65.

Complaint by Mr Thomas Dumbar, son of Johnne Dumbar, burgess of Forres, that Donald (? Patrik) M°Queine of Corribroich remains unrelaxed from a horning of 6th May last for not paying him 500 merks as principal and 160 merks of expenses.—Complainer appearing by Mr Patrik Dumbar, decree as above against defender. Decree against Donald MacQueen for debt.

Page 66.

Complaint by Thomas Wood, son of the late James Wood of Lambelethame, that George Seatoun of Parbroith remains unrelaxed from a horning of 21st April last for not paying him 300 merks as principal and 40 merks for expenses.—Complainer appearing by Alexander Patirsoun, decree as above against defender. Decree against Seton of Parbroath for debt.

Page 67.

Complaint by Mistress Beatrix Cant, spouse of Colonel Bartilmo Balfour of Reidhewis, and her said spouse, for his interest, that Johne Robertsoun, merchant, burgess of Edinburgh, remains unrelaxed from a horning of 1st March last for not paying them, as assignees to the late David Smyth, and Grissill Weir, his spouse, 200 merks as principal and 40 merks for Decree against John Robertson for debt.

expenses.—Complainers appearing by Hew Peblis, decree as above against defender. Acta 1608-9. Page 68.

Decree against David Livingston, younger of Dunipace, for debt.

Complaint by Thomas Robertsoun, burgess of Edinburgh, that David Levingstoun, younger of Donypace, remains unrelaxed from a horning of 31st May last for not paying him £460 as principal and 100 merks for expenses, and also £20, 15s. 3d. as principal and 10 merks for expenses. —Complainer appearing by Archibald Douglas, decree as above against defender. Page 69.

Decree against Thomas Livingstone for debt.

Complaint by Esher Thomson, relict of Thomas Bellindane, fiar of Evie, that Thomas Levingstoun of Ballintone remains unrelaxed from a horning of 6th July last for not paying her 3146 merks as principal and £200 of liquidate expenses.—Complainer appearing by Archibald Dowglas, decree as above against defender. Page 70.

Decree against John Young for not finding caution.

Complaint by Johnne Robertsoun in Overago, that Johnne Young in Cowcairnis remains unrelaxed from a horning of 10th June last for not finding caution in 1000 merks for complainer's indemnity.—Complainer appearing by Archibald Douglas, decree as above against defender. Page 71.

Decree against Jardine of Applegirth for debt.

Complaint by Mr Johnne Johnnstoun, commendator of Haliewood, that Sir Alexander Jerdene of Apilgirth remains unrelaxed from a horning of 5th July last for not paying him £8 for each of 20 bolls oats and £12 for each of 12 bolls bear.—Complainer appearing by Johnne Johnnstoun, decree as above against defender. Page 72.

Decree against Thomas Burrell for debt.

Complaint by Thomas Ireland, merchant, burgess of Edinburgh, that Thomas Burrell, burgess of Perth, remains unrelaxed from a horning of 17th May last for not paying him £100 as principal and £20 of expenses. —Complainer appearing by Archibald Douglas, decree as above against defender. Page 73.

Decree against Alexander Smith for not entering in ward.

Complaint by Samuell Blakburne, merchant, burgess of Edinburgh, that Alexander Smyth, tailor, burgess of the Cannogait, remains unrelaxed from a horning of 9th July last for not entering in ward in the tolbooth of Edinburgh for invading and wounding complainer.—Complainer appearing by Archibald Douglas, decree as above against defender. Page 74.

Decree against William Allardice for debt.

Complaint by Elizabeth Allerdyce, one of the executors and bairns of the late Alexander Allerdyce at the west mill of Stramiglo, and by Robert Arnot, portioner of the Newtoun of Falkland, her curator, that William Allerdyce, portioner of Kincragy, remains unrelaxed from a horning of 2nd July last for not paying them 200 merks.—Complainers appearing by Archibald Douglas, decree as above against defender. Page 75.

To denounce William Stewart for the murder of Lord Torthorwald.

William Stewart, son of the late Sir William Stewart, who was the brother of the late James, Lord Stewart, failing to appear this day, as charged, to answer for the slaughter of James, Lord Torthorwall, on 14th instant (*ante*, pp. 128–9), is to be denounced rebel. Page 76.

Warrant to apprehend Livingstone of Jerviswood and others.

Complaint by Johnne Levingstoun of Baldorrane against the persons underwritten:—viz. (1) James Levingstoun of Jerouswood, for remaining unrelaxed from a horning of 23rd February 1607 for not infefting him, as assignee to Sir William Levingstoun of Kilsyth, in the three oxengate of

Acta 1608–9. land at the town head of Newbigging, with the stone house and pertinents thereof; (2) Thomas Otterburne of Reidhall, Johnne Fairlie, elder of Colmestoun, Thomas Fairlie, younger of Colmestoun, and Johnne Howstoun, elder of Leny, for remaining unrelaxed from a horning of 4th June last
Page 77. for not paying him £500; (3) James Stewart, portioner of Strabrok, from a horning of 12th March 1607 for not paying him, as assignee to Johnne Wallace of Corsflat, £570 as principal and £100 of expenses, as the assignation dated 27th September 1607 shows.—Charge had been given to the defenders, except Thomas Fairlie, to answer; and now, complainer appearing by Archibald Douglas, defenders, for not appearing, are to be
Page 78. apprehended by the Captain of the Guard, and their goods inventoried.

George Glendoning against MacLellan of Bomby for shooting at him. Defender ordered into ward.

Complaint by Sir Thomas Hammiltoun of Bynnie, King's advocate, for his Majesty's interest, and by George Glendoning, son of the late Johnne Glendoning of Drumrasche, as follows:—On 22nd August last, while the said George was riding to the abbey of Newabbey to visit Agnes Glendoning, his sister, spouse of David Maxwell, called of Newwark, Sir Robert M'Clellane of Bomby, accompanied by , armed with swords, secrets, platesleeves, and with hagbuts and pistolets, prohibited to be worn, waylaid him without cause; when, as soon as they saw him come near, the said Sir Robert "cullouritlie coverit his face with his cloik untill the said complenair wes a little by him, and than, or evir the said complenair wes wer of him, turnit his horse and maist feirslie set upoun him and schote and dischairgit at the said complenair ane pistollet, quhairwith than schote
Page 79. him throw the body."—Parties having been called on 21st July last and both then appearing, the matter had been continued to 4th instant; and now, pursuer appearing, but not the defender, there is order to charge defender to enter in ward in the Castle of Edinburgh, within six days after being required, under pain of rebellion.

Decree against James Abercromby and others for non-fulfilment of an obligation.

Complaint by Sir Robert Hepburne of Aulderstoun, lieutenant of his Majesty's guard, that James Abircrombie, fiar of Kersie, Alexander Abercromby, his eldest son, and Robert Drummond in the Dell of Carnok, remain unrelaxed from a horning of 22nd July last for not fulfilling their
Page 80. obligation to him, dated 20th April 1604.—Complainer appearing personally, defenders, for not appearing, are to be apprehended by the Guard, and their goods inventoried.

Anent the dispute between the Laird of Lundy and Wood of Largo.

As the dispute between Lundy of that Ilk, Sir James Lundy, his uncle, and Umphra Lundy at the Mill of Lundy, on the one part, and Andro Wood, apparent of Largo, on the other part, anent the seat erected by
Page 81. the said Umphra in the kirk of Largo and demolished by the said Andro (*ante*, p. 106), remains unremoved, notwithstanding the pains taken by the presbytery of Sanctandrois in that matter, there is order to charge both parties to appear before the Council on instant, and to command the moderator of the presbytery of Sanctandrois and the minister of the kirk of Largo to appear the said day to inform the Lords of the true state of the case.

Complaint by Mark, Earl of Lowtheane, Lord Newbotle and Morphet,

The Earl of Lothian and his tenants against John Carmichael and others for violence and oppression.

by Andro Johnnstoun and David Johnnstoun in Kynnilheid, his tenants dwelling on his lands of Crawfurdmure, and by Sir Thomas Hammiltoun of Bynnie, for his Majesty's interest, that Johnne Carmichaell in Abintoun, Johnne Carmichaell in Maynis, William Carmichaell, younger in Reidmyre, Johnne Carmichaell, his brother, Johnne Carmichaell of Medowflat, Waltir Carmichaell, his brother, Mungo Carmichaell, called of Mylne, and Alexander Carmichaell, brother of William Carmichaell of the Maynis, all at the horn for not finding caution for the indemnity of the pursuers, came, accompanied by other outlaws, all armed with swords, lances, hagbuts, and pistolets, to the lands of Crawfurdmure in July last, pursued the said tenants and their families with hagbuts and pistolets, chased them and their goods off the said lands, and houghed sheep, horses, and other goods, avowing that, if pursuers continued to possess the said lands, they would burn them in their houses.—The Earl of Lowthiane and the Advocate appearing, and Carmichaell of Medowflat being also present, the Lords ordain the other defenders to be denounced for non-compearance. Acta 1608-9. Page 82. Page 83.

George Glendoning against MacLellan of Bomby for assault.

Charge having been given to Sir Robert McClellane of Bomby to answer this day to the complaint of George Glendoning, son of the late Johnne Glendoning of Drumrasche (*ante*, p. 145), and the pursuer appearing, but not the defender, the Lords ordain Sir Robert to pay to Glendoning 1000 merks as a fine for shooting at him, and direct letters for his charge to enter in ward in the castle of Edinburgh, there to remain till he make payment. Page 84.

Gilbert and John Bannatyne against Alexander Kennedy and others for assault and wounding with hagbuts and pistolets.

Complaint by Sir Thomas Hammiltoun of Bynnie, for his Majesty's interest, and by Gilbert Bannatyne in Mayboill, and Johnne Bannatyne, messenger, his brother, as follows:—On 29th May last Alexander Kennedy, brother of James Kennedy of Culzean, and Johnne Cathcairt of Glendischa and Johnne Agnew, servitors to the said Laird of Culzeane, armed with swords, gauntlets, and platesleeves, and with hagbuts and pistolets, waylaid the said Gilbert under cloud of night in the town of Mayboll, fiercely set upon him as he was going to his own chamber, and discharged four shots at him,—"quhairwith thay schote him in the prevey memberis throw the mid pairt of his wand, and als in the thie, quharin thair yit remains a bullet." Again, on 30th May last, the said Gilbert being under the "cure of the chirurgiane" in the said town, the said persons came to the "foir stair of the house," and, finding some difficulty in entering therein,—"thair being nothing betuix thame and the said Gilbert bot some thin boardis,"—discharged a number of shots at him through the "same boardin stair," of purpose to slay him. That purpose having miscarried, seeing the said Johnne Bannatyne going to the market cross of Mayboill to execute certain letters anent the payment of his Majesty's taxation, they followed him, and with a drawn sword "gaif him a deidlie stryk in the neck and craig, quhairof he then fell deid." As he was rising to defend himself, the said Alexander shot him "at the verie coller bone and alang his halffit," and would have slain him but for the Page 85. Page 86.

Acta 1608-9. help of some good people.—Pursuers appearing personally, and Agnew being also present, but the other defenders failing to appear, the complainers pass from the first part of the complaint in so far as it concerns Agnew, and refer the second part of the complaint, touching the invasion of Johnne Bannatyne, to Agnew's oath of verity. Being sworn, he depones that, though he was with Alexander Kennedy at the time, he neither shot nor struck the said Johnne, but admits
Page 87. that Cathcairt shot at him with a pistolet.—The Lords ordain Agnew to pay to Johnne Bannatyne 100 merks as a fine for being present at his wounding, and to be committed to ward in the tolbooth of Edinburgh, there to remain till he pay the said fine, and till he find caution in 500 merks for the indemnity of the said Johnne and Gilbert, and for his compearance before the Council when charged to underlie censure anent his Majesty's interest in the complaint, under the pain of 1000 merks.

John Turnbull against James Polwarth for assault.

Complaint by John Turnebull in Gormyre, as follows:—James Polwart of Cauldlaw, being informed that the complainer was to repair on 13th July last from his house in Gormyre to the mill of Torphechin, came, accompanied by Thomas Eistoun, his servant, armed with swords, gauntlets, platesleeves, and batons, to the hills of Gormyre, near to where the complainer's horses were pasturing. As soon as they saw complainer "a fer of going furth the hie way," they ran to his said horses, "lap upoun the same," and "with all thair speid" rode to complainer, set upon him with great
Page 88. batons and rungs, and felled him to the ground. While he was so lying they gave him two deadly wounds with drawn swords in the head and in the left shoulder.—Complainer and Polwart appearing, but not Eistoun, the Lords ordain Polwart to pay Turnebull 300 merks as a fine, and to be warded in the tolbooth of Edinburgh till he pay the same and find caution
Page 89. in 2000 merks for the complainer's indemnity hereafter.

Decree arbitral between the Bailies of Edinburgh and Mr Edward Marshall in the matter of the repairing of Marshall's tenement in the high street of the burgh.

James, Lord of Balmerinoch, president of the Council, Sir Thomas Hammiltoun of Bynnie, his Majesty's advocate, Mr Johnne Prestoun of Pennycuke, collector-general and treasurer of the new augmentations, and Sir Johnne Arnote, treasurer-depute, judges nominated by the bailies of Edinburgh, and by Mr Edward Marschell, commissary clerk of Edinburgh, in the matter of the tenement of land belonging to the said Mr Edward (*ante*, p. 135), having visited the said tenement, find and decern that
Page 90. Marschell should not extend the "foirwark and stair of his said tenement of land ony farder towardis the foir calsay and the hie streit of the said burgh nor the samyn wes of before, bot that he aucht to conforme himselff thairin to his auld corbellis and jedge." He is therefore ordained to "intak his laich stair," now extended farther than it was before, and to "set the samyn according to the said auld jedge and corbellis." They also decern that he may raise his said fore-work and stairs and the "caiphoussis thairof" as high as he pleases, and that he may "inlarge the samyn fra the eist cunyie to the west cunzie of the said tenement." This decree, dated at Edinburgh 4th August, is ordered to be registered in the Books of Secret Council.

John Williamson against Thomas Moffat and others for wrongous imprisonment.

Complaint by Johnne Williamsoun, son of the late Laird of Glendork, as follows:—He has lately been apprehended by Thomas Moffett in Crawfurd and others, and committed by them to the tolbooth of Edinburgh, wherein he now is; and, since his entry, he has been "arreistit to remain" there at the instance of Williame Cunynghame, elder of Capringtoun, and Williame Cunynghame, younger, his son. As the cause of his apprehension is altogether unknown to him, he ought to be put to liberty. —Complainer appearing, and Moffet being also present, and having produced the process describing the injury done him for which Williamsoun was apprehended, the Lords decern the complainer to pay to Moffet £50 as fine, and ordain him to be taken back and detained in the said ward till he pay the said fine. Acta 1608-9. Page 91. Page 92.

Anent the presbytery of Jedburgh.

Sir Gedioun Murray, appearing before the Council, declares that, according to the commission given to him by his Majesty (*ante*, p. 128), he had repaired to the presbytery of Jedburgh and dealt with the ministers thereof to receive Mr Johnne Abirnethie to be their moderator, and that they had obeyed; in testimony of which he produces an instrument subscribed by Mr George Douglas, clerk of the said presbytery.

Edinburgh, 9th August.[1]

Sederunt—Chancellor; Dumbar; Lotheane; President; Bishop of Ros; Bishop of Galloway; Lovat; Blantyre; Halyruidhouse; Privy Seal; Justice Clerk; Advocate; Collector; Master of Requests; Mr William Hairt.

Margaret Hartside and her spouse.

Margaret Hartsyde, spouse of Johnne Buquhannane, sometime "serjand of his Majesteis butterie," having been convicted in a justice court held in Linlithgow (*ante*, p. 98) of "the undewtifull abstracting, detening, and withhalding fra his Heynes darrest spous of certane jewellis committit be hir Heynes to the truist, custodie and keiping of the said Margaret," his Majesty, "in the declaratioun of his will aganis the said Margaret, hes ordanit that that scho salbe confynned within the boundis of Orknay, as in the directioun of his Majesteis said will at length is contenit." The King and Council, finding it not meet that her said husband shall be suffered to go abroad or to repair to his Majesty's court and presence, ordain letters to be directed commanding him to pass, within 40 days after the charge, to Orknay, and there to remain with his spouse till the King's farther will be known. Page 93.

Edinburgh, 11th August.

Sederunt—Chancellor; Crawfurd; Dumbar; Wyntoun; Lotheane; Bishop of Glasgow; Bishop of Ros; Bishop of Brechin; Bishop of Galloway; President; Saltoun; Elphinstoun; Bugcleuch; Blan-

[1] Between this meeting of Council and the last there had intervened the anniversary thanksgiving for the King's delivery from the Gowrie Conspiracy. It is noted thus by Calderwood (vi. 778):—"The fyft day of August was solemnelie keeped with fires of joy. The Erle of Dumbar and other noblemen came to the Croce of Edinburgh."

Acta 1608-9.

tyre; Halyruidhouse; Comptroller; Burlie; Master of Lotheane; Privy Seal; Justice Clerk; Advocate; Collector; Bruntiland; Quhittinghame; Clerk of Register; Master of Elphinstoun; Sir Lues Craig; Sir Alexander Drummond; Polwart; Sir Johne Arnot; Mr William Hairt.

Page 94. Complaint by Andro Dunkesoun, citizen of St Androis, and Helene Ramsay, his spouse, that Robert Ramsay of Balmonth remains unrelaxed from a horning of 8th December 1607 for not paying them 600 merks as principal, with the annualrents thereof since 18th April 1604, the date of the contract between the said Robert, and Thomas Ramsay, his son and apparent heir, on the one part, and the complainers on the other, besides 20 merks for expenses.—Complainer appearing personally, defender, for not appearing, is to be apprehended by the Captain of the Guard, and his goods inventoried. Decree against Robert Ramsay of Balmonth for debt.

Page 95. Complaint by Heugh Greigsone and Michaell Sandirsoun of the burgh of Bervick, that Johnne Home of the Kellie in the Mers remains unrelaxed from a horning of 25th June last for not paying them £11, 19s. 3d. current money of England, as principal, and 30s. English money as penalty.—Complainers appearing by Ned Shalbe, decree as above against defender. Decree against John Home of the Kelly for debt.

Page 96. Complaint by David Gairne of Latoun, that David Lindsay of Vayne, David Lindsay, fiar thereof, George Symmer, elder of Balyeordie, and Sir Robert Creichtoun of Cluny, remain unrelaxed from a horning of 20th June last for not paying him 3440 merks as principal and £600 for expenses.—Complainer appearing by Archibald Dowglas, decree as above against defenders. Decree against David Lindsay of Vayne and others for debt.

Page 97. Complaint by Johne Dumbar of Menewick, that Williame M'Culloch of Mertoun remains unrelaxed from a horning of 22nd July 1607 for not infefting him in the croft of land called Sir Johnne's croft, and for not paying him the sums of money specified in the letters of horning.—Complainer appearing by Archibald Douglas, decree as above against defender. Decree against MacCulloch of Merton.

Page 98. Complaint by Johnne Knox, dean of guild of Saint Androis, that David Maull of Both remains unrelaxed from a horning of 9th May last for not paying him 600 merks.—Complainer appearing by George Spence, decree as above against defender. Decree against David Maull of Both for debt.

Page 99 Complaint by Marioun Lokhart, relict, and by the fatherless bairn, of Robert Broun in Culter, that Rolland Lindsay, son of the late Johnne Lindsay in Covingtoun, remains unrelaxed from a horning of 21st June 1596 for not answering before the justice for the slaughter of the said Robert.—Complainers appearing by Patrik Hammiltoun, decree as above against defender. Decree against Roland Lindsay for not answering for slaughter.

Page 100. Complaint by Sir Thomas Hammiltoun of Bynnie, for his Majesty's interest, and by Thomas Ewart in Clairfute, and Jonet Bryden, his spouse, as follows:—In June last, Robert Johnnstoun of Corheid, Robert Moffet Thomas Ewart and his spouse against Johnstone of Cor-

head and others for unlawful convocation and use of fire-arms.

of Grantoun, Mungo Moffet in Moffet, Thomas Moffet there, Will Bell there, Johnne Davidsoun there, Adam French there, James Johnnstoun, elder in Capilgill, James Johnnstoun, his son, James Johnnstoun in Rownstanefute, Umphra Grahme in Newmyln, Johnne (? Thomas) Mereman in Murefute, Robert Johnnstoun in Newtoun, Roger Frensche in Kirkbridrig, David (? Thomas) Frensche, his son, there, Johnne (? Thome) Johnnstoun in Moffet, son of Jonet Johnnstoun there, James Grahme in Newmylne, Johnne (? Thomas) Johnnstoun in Croftheid, Thomas Mure in , James Johnnstoun of Brekansyde, Johnne French in Moffet, younger, Gilbert Johnnstoun in Corheid, Gilbert Johnnstoun, his son, there, and Andro Johnnstoun in Paisigilfute, with convocation of the lieges, all armed with jacks, secrets, lances, spears, swords, and gauntlets, and with hagbuts and pistolets, came to the lands of Clairfute, belonging to the said Thomas Ewart, and there built "scheallis," against all order of law and justice. The said Jonet having come near the said "scheillis," they most shamefully "slang hir to the earth, and with thair kneis, handis, and feit sua birsit hir that immediatlie thairefter scho pairtit with bairne." Farther, they repair daily and nightly to the complainers' said lands, shooting hagbuts, and pistolets.—Charge had been given to the defenders (except Umphra Grahme and Thomas Mure) and also to Gilbert Johnnstoun, son of James, elder, in Capilgill, to answer; and now, pursuers appearing personally, and the said Robert Johnnstoun of Corheid, Robert Moffet, Mungo Moffet, Thomas Moffet, Will Bell, Johnne Daviesone, Adam Frensche, Robert Johnnstoun in Newtoun, Roger Frensche, David Frensche, James Johnnstoun, younger of Capilgill, Thome Johnnstoun in Moffet, James Grahme, Johnne Johnestoun in Croftheid, Gilbert Johnnstoun there, and Johne Frensche in Moffet, being also present, but the other defenders failing to appear, the Lords find the convocation foresaid to be clearly proved against the said Robert Johnnstoun of Corheid, Adam French, David French, Robert Moffet, Mungo Moffet, and Will Bell, and also find that Robert Johnnstoun of Corheid had a pistolet at the time. The said defenders are therefore ordained to be committed to ward in the tolbooth of Edinburgh. The other defenders are ordered to pass home and behave dutifully in time coming.

Acta 1608–9.

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Edinburgh, 13th August.[1]

Sederunt—Chancellor; Crawfurd; Lotheane; President; Saltoun; Bugcleuch; Blantyre; Halyruidhouse; Master of Lotheane; Privy Seal; Advocate; Bruntiland; Clerk of Register; Sir Alexander Drummond.

"The quhilk day the Lordis of Secrite Counsale fand meit and ordanit

[1] On the preceding day, Friday 12th August 1608, Edinburgh had been astir with the execution, at the Market Cross in the High Street, of a certain George Sprott, whose revelations were supposed to have thrown some light at last on the mystery of the Gowrie Conspiracy eight years before. The story is too long and intricate for the possibilities of a footnote here; but the main facts are as follows:—Sprott, who was a notary in Eyemouth, a town on the Berwickshire coast, and apparently a man of disreputable character, had been intimately connected in business with that Robert Logan of Restalrig, Lord of Fastcastle in those parts, of whose

Acta 1608 9

that Johnne Baillie, quha wes commandit to remane and keep waird with Alexander, Erll of Dunfermling, lord heich chancellair of Scotland, sould be put to libertie and fredome and sufferit to pas quhair he please, he

John Baillie and the Gowrie Treason.

turbulent life, and concern with many of the dark transactions of his time, Bothwell's insurrections and conspiracies included, there are independent traditions. This Logan of Restalrig died in July 1606 ; and it seems to have been after his death that Sprott, in talking with his neighbours, began to throw out strange hints to the effect that, to his knowledge, one of old Logan's criminalities, the secret of which he had carried to the grave with him, was actual partnership in the Gowrie Treason. The information reaching the Council, Sprott had been arrested in April 1608, and interrogated several times, latterly under the torture of the boots. The result seems to have been that Sprott first averred to the Council that the story of Logan's connexion with the Gowrie conspiracy of August 1600 was perfectly true, inasmuch as he had himself had the proofs in his own hands ; but under the torture of the boots he had retracted this statement and declared it to be a fabrication. Matters were in this stage when, early in July, the Earl of Dunbar arrived in Scotland on his mission in the King's interest in view of the coming General Assembly at Linlithgow (*ante*, p. 122). The Earl, bringing his energy and ingenuity to bear on this matter as well as on others, and having treated Sprott with considerable kindness, had induced him to revert to his original story, and to put it into that form which it assumed in his final examination before the Council on the 10th of August. This was that he had, in Logan's own lifetime, through the indiscretion of a certain Laird Bower, who was Logan's tool and confidant, seen letters that had passed between Logan and the two Gowrie brothers just before the date of their attempt upon the King's life at Perth, proving that some design was then on hand between Logan and the brothers for seizing the King's person and bringing him to Logan's place of Fastcastle (see vol. vi. pp. 142–4, footnote), and that one particular letter, of which he quoted a passage from memory, had been detained by him, was still in his possession, and might be found among his papers at Eyemouth. After this deposition before the Council on the 10th of August short work was made with Sprott. Without production of the said letter, and apparently without even search for it, but merely on the strength of his own deposition, he was tried by assize on the 12th of August, at the instance of the King's Advocate, before Mr William Hart, Justice Depute, and found guilty of treasonable concealment of the Gowrie conspiracy ; and on the afternoon of the same day he was hanged. The Earl of Dunbar, with other noblemen, watched the execution from Treasurer-Depute Sir John Arnot's house opposite the Cross; and on the scaffold, talking with Sprott to the last moment, and listening to his speeches to the crowd with special anxiety to know whether he would then adhere to his deposition, were Archbishop Spotswood, the Bishops of Galloway and Brechin, Mr Patrick Galloway, and others of the most noted Scottish clergy, together with the English divines then in Edinburgh in the Earl of Dunbar's train, one of them Dr Abbot, the future Archbishop of Canterbury (*ante*, p. 122 n.). It seems to have been a relief to all concerned that Sprott did adhere to the end to his confession of guilt ; and a careful statement to that effect, attested by the signatures of the said clerical witnesses and others, was drawn up immediately afterwards. What importance was attached by the King and Government to Sprott's trial and deposition was proved also by the publication in London, as soon afterwards as possible, of an authorised account of the whole affair, drawn up by Sir William Hart (who had been knighted in the interval), with an introduction, partly narrative and partly didactic, by Dr Abbot.—All this notwithstanding, there was much scepticism at the time as to the truth of those statements of Sprott for which he let himself be hanged. Archbishop Spotswood himself has left it on record in his History that the statements seemed "a very fiction and to be a meer invention of the man's own brain ;" adding "For neither did he show the letter, nor could any wise man think that Gowry, who went about that treason so secretly, would have communicated the matter with such a man as this Restalrig was known to be." Calderwood also expresses similar contemporary doubts. In fact, to this day historical authorities are divided in their opinions respecting the Sprott business of 1608, some regarding it not as by any means a clearing up of the original mystery of the Gowrie Conspiracy of 1600, but as an additional and complicating mystery. All the documentary materials for a study of the case are included in the long account of the Gowrie Conspiracy in *Pitcairn's Criminal Trials* (ii. 146–332) ; a searching review of Pitcairn's own conclusions, and of the whole orthodox tradition on the subject as far as to 1851, will be found

first finding caution actit in the Buikis of Secrite Counsale that he sall compeir personalie before the Lordis of Secrite Counsale, quhanevir he salbe lauchfullie chairget upoun fyftene dayis wairning, and answer to sic thingis as salbe laid to his chairge tuitching his foirknawlege of umquhill the Laird of Restalrigis participatioun in Goureis treasoun, under the pane of ten thousand merkis."[1] Acta 1608–9.

James Maull, Willie Crocket, and Willie Galloway in the same matter.

"The quhilk day the saidis Lordis fand meit and ordanit that James Maull, ~~Willie~~ Croket, and William Galloway, salbe put to libertie and fredome furth of thair present wairdis, thay first giveand thair awne bandis for thair personall compeirance before the Lordis of Secrite Counsale upoun sex dayis wairning and answer to sic thingis as salbe laid to thair chairge tuitcheing thair foirknawlege of Restalrigis practizeis and Gowreis treasoun, undir pain of deid to be inflictit upoun ony of thame that failyeis." Page 103.

Mossman and Logan to be detained in ward.

The Lords ordain that William Mosman and Mathew Logane shall be still detained in ward in the tolbooth of Edinburgh till there be farther knowledge of his Majesty's will towards them.

Caution for John Baillie.

Caution by Mathew Baillie of Litlegill for Johnne Baillie, his brother, that he shall answer on 15 days' warning touching his "foirknawlege of umquhill the Laird of Restalrigis practizeis and Gowreis treasoun," under pain of 10,000 merks.—Deleted by a warrant signed by his Sacred Majesty at Whytehall, 10th November 1609: J. Prymrois.

Charge for warding certain Maxwells and others beyond the water of Tay and in the shire of Fife.

For causes concerning the peace in Nithisdaill, Annanderdaill, and Galloway, charge, under pain of rebellion, is to be given to the persons underwritten to enter in ward within six days after being required, and there to remain till relieved by George, Earl of Dumbar, lieutenant over the middle shires of this Island:—viz. Sir Johnne Maxwell of Pollok, Patrick Maxwell of Newwark, Edward Maxwell of Tynwall, William Maxwell, apparent of Tynwall, Archibald Maxwell of Dowhill, Harbert Maxwell of Cavens, Johnne Maxwell of Kirkconnell, Johnne Maxwell of Conhaith, Edward and Charlis Maxwellis, his brothers, Edward Maxwell of the Hillis, Edward Maxwell of the Yle, Andro Rorisoun of Bardannoch, Alexander Maxwell of Logane, Edward Maxwell of Craigtoun, Homer Maxwell of Carnesalloch, James Maxwell of Portrak, Edward Maxwell, his brother, Thomas Maxwell of Logane, and David Maxwell, brother of the Laird of Newwark,—all in ward beyond the water of Tay; and Homer Maxwell, commissary of Drumfreis, Cuthbert Cunynghame, notary there, Robert Maxwell, notary there, called the Noge, Johnne Strugeoun there, Johnne Bryce there, Mr Johnne Maxwell, glover there, Gawin Hornair there, Johne Maxwell, messenger there, Adame Walker there, Page 104.

in an elaborate note by Mr Mark Napier to the Spottiswoode Society's edition of *Spotswood's History*, published in that year (iii. 273–291); since which time there has been fresh discussion of the subject on the orthodox side in Dr Hill Burton's *History of Scotland*, and on the sceptical side in Mr Andrew Bisset's *Essays on Historical Truth*.—Worth noting here is the strange fact that, though Sprott's business had been occupying the Council since April 1608, there has not been a syllable of mention of it in the Register of the Council hitherto.

[1] Here at last (and in the next entries) is incidental reference in the Register to the great Sprott business.

Acta 1608-9.

Robert Richartsoun there, William Richardsoun there, Harbert Cunynghame, clerk there, Johnne Young, chirurgeon there, Harbert Birkmyre, bailie there, Thomas Gowdie there, Robert Cunynghame, called Hew's Robine, there, Robert Glencorse, flesher there, George Maxwell, called Lang Geordie, there, Thomas Maxwell, called of Porte, there, George Rig, there, Archibald M°Brair there, Johnne Irwing, there, Johnne Broun, son of Broun of Corsluith, Johnne Maxwell, called the vicar's Johnne, and Edward Horneris, there,—all in ward within the bounds of Fyff.

Commissions, 1607–1616. Fol. 10, b.

Commission of justiciary for apprehending the Captain of Crawford and others.

As Johnne Carmichaell in Abenetoun, Johnne Carmichaell of Medowflat, Waltir Carmichaell, his brother, Johnne Carmichaell in Maynis, William Carmichaell, younger in Reidmyre, Johnne Carmichaell, his brother, Mungo Carmichaell, called of Mylne, Johnne Carmichaell, son of William of the Maynis, and Alexander Carmichaell, brother of William Carmichaell of the Maynis, who had been put to the horn at the instance of Mark, Earl of Lotheane, and Andro Johnnstoun and David Johnstoun in Kynnilheid, his tenants, dwelling on the lands of Crawfurdmure, for not finding caution for their indemnity and for invading the said tenants with hagbuts and pistolets, houghing of their bestial, and avowing to burn them in their houses (*ante*, p. 146), remain as yet at the horn, commission of justiciary, signed by the Chancellor, Lord Balmerinoch, and John Prestoun, is granted to the sheriff of Lanerk, Sir James Douglas, elder of Drumlangrig, William Douglas, younger of Drumlangrig, his son, David Johnestoun of Kennilheid, and the Captain of the Guard, to apprehend the said persons and to keep them in sure ward till they satisfy the complainers.

Acta 1608-9. Page 104.

Edinburgh, 18th August.

Sederunt—Chancellor; Mortoun; Murray; Wyntoun; Lotheane; Bishop of Ros; Sanquhair; Elphingstoun; President; Scone; Blantyre; Bewlie; Master of Lotheane; Master of Elphinstoun; Advocate; Mr Petir Rollok; Collector; Sir Alexander Drummond; Sir Johnne Arnot; Conservator.

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Decree between the Laird of Lundy and Wood of Largo anent the seat and desk in the kirk of Largo.

Charge had been given to James Lundy of that Ilk, Sir James Lundy, his uncle, and Umphra Lundy, on the one part, and to Andro Wood, apparent of Largo, on the other part, and also to George, Archbishop of Saint Androis, and to Mr Johnne Fleck, minister of Largo, to appear before the Council this day in the matter of the dispute between the said Umphra Lundy and Wood as to a seat and desk in the kirk of Largo (*ante*, p. 145). Sir James and Umphra now appearing for the Laird of Lundy, and the said Andro appearing by Henry M°Kiesoun, and the said Mr Johnne Affleck appearing personally, the said minister produces an extract of the process pursued by the said James and Umphra

Page 106.

Lundyis against Wood before the presbytery of Sanct Androis, under the subscription of Mr James Roghe, clerk of the said presbytery, with a decree given thereupon,—said decree bearing that the said desk ought to be "reponit be those who hes power in that same place quhair it wes first set." The Lords accordingly ordain the presbytery to place the said

desk and seat where it had been first set by the said James and Umphra, Acta 1608-9.
"thair to stand and remane the space of thrie or four severall Sondayis," during which time the said James and Umphra Lundyis may sit there for hearing the Word; but after the expiry of the said Sundays the presbytery are to place the desk in some other commodious part of the kirk for the use of the said James and Umphra. Further, no one hereafter is to erect a seat or desk where the said desk formerly stood, under all highest pain. Liberty is given to both parties to repair to the said kirk hereafter, notwithstanding previous prohibition, on condition that they behave as "becometh good christeanis, nëir nychtbouris, and tender freindis."

Decree against the Earl of Crawford for debt.

Complaint by James Dalzell, merchant, burgess of Edinburgh, that David Page 107.
Earl of Crawfurd, remains unrelaxed from a horning of 6th August instant for not paying him, as assignee to Sir Robert Dalzell, younger of that Ilk, 800 merks as principal and £100 for expenses.—Complainer appearing personally, defender, for not appearing, is to be apprehended by the Guard, and his goods inventoried. Page 108.

Decree against Otterburn of Reidhall for debt.

Complaint by Mr James Skene, son of Sir Johnne Skene of Curriehill, clerk of register, that Thomas Ottirburne of Reidhall remains unrelaxed from a horning of 10th June last for not paying him 500 merks as principal and £20 of expenses.—Complainer appearing by Robert Skene, decree as above against defender.

Decree against William Allardice for debt.

Complaint by Andro Coupar, writer, that William Allerdyse of Kin- Page 109.
craigie remains unrelaxed from a horning of 16th July last for not paying him £100 as principal and £20 of expenses.—Complainer appearing by Archibald Douglas, decree as above against defender.

Decree against Thomas Ker of Cavers for debt.

Complaint by Andro Hay, brother of Mr William Hay of Bara, that
Waltir Turnble of Badreull, William Turneble, his son, fiar thereof, Page 110.
Thomas Ker of Caveris, and James Turneble of Hassindane, remain unrelaxed from a horning for not paying him, as assignee to Alexander, Earl of Home, 100 French crowns of gold, as principal, and £100 of expenses. —Charge had been given to Thomas Ker only to answer; and now, complainer appearing by Johnne Cranstoun, there is decree as above against defender.

Decree against Scrymgeour of Myres for debt.

Complaint by William Wylie, writer, that James Scrymgeour of Myres
remains unrelaxed from a horning of 29th July last for not paying him Page 111.
£143, 6s. 8d. as principal and £20 for expenses.—Complainer appearing personally, decree as above against defender.

Bishop of Dunkeld against Andrew Bannerman, citizen there, and his spouse.

Representation by Mr Alexander Lindsay, bishop of Dunkeld, as follows:—In respect of "some violent and extraordinair courses" by James, Earl of Athoill, and the bailies of Dunkeld "who wer electit and chosin at his devotioun," against Andro Banerman, citizen of Dunkeld, and his spouse, the Lords of Council had exempted these persons from the Page 112.
jurisdiction of the said bailies. Said persons have since, however, "verie fer abused" this exemption, inasmuch as they not only "misknaw the said Bischop and the bailleis now constitute be him within the said citie in all thingis dew to thair place and chairge," but behave as if they were

Acta 1608-9. subject to no authority. Now, albeit there was "some schaw of reasoun" why they should have been exempted from the jurisdiction of the said Earl and his bailies, yet that is no "guid argument" now to exempt them from the jurisdiction of the Bishop, "quho hes tane the governament of the effairis of the said citie and nominatioun of the bailyeis thairof upoun himselff, and useis that moderatioun and indifferencie in the executioun of justice as they nor na utheris can or may complene of wilfull, partiall, or rigorous proceidingis." The Bishop therefore prays that the exemption
Page 113. may cease.—Pursuer appearing by William Hay, and defender appearing personally, the Lords remit the matter to the Lords of Council and Session, as judges competent thereto.

Decree against David and John Armstrong for not removing from certain lands.

Complaint by Alexander, Earl of Home, Lord Jedburgh and Douglas, that David Airmestrang of Woodhousleis, and Johnne Airmestrang, his son, remain unrelaxed from a horning of 7th July last for not flitting from
Page 114. the lands of Woodhousleis be-east the burn.—Complainer appearing by Johnne Cranstoun, defenders, for not appearing, are to be apprehended by the Guard, and their goods inventoried.

John MacKay against Robert MacIan and others for assault and spuilzie.

Complaint by Johne M°Kay in Lochend that, in November 1606, Robert M°Ean V°Ean, Duncane and Johnne (? Robert) M°Ean V°Eanis, his sons, in Auchatlorny, Johnne M°William V°Ean there, and Duncane M°William V°Eane there, with others, all armed with swords, bows, darlochis, and habershoes, came at night to the complainer's house in Lochend, and there pursued him and his servands for their lives, wounded
Page 115. them, and reft six kye and three oxen.—Pursuer appearing by Johnne Burte, defenders, for not appearing, are to be denounced rebels.

Christy Wilson against William Cowan and others for assault and spuilzie.

Complaint by Cristie Wilsoun, tenant of the lands of Wodisleis be-east the burn belonging to Alexander, Earl of Home, that on 14th July last Walter (? Andro) Hereis, servitor to the Lord Hereis, William Cowane, *alias* Millair, in Sarkmylne, and Andro Giffuird there, with others, all armed with gauntlets and platesleeves, came to the said lands, and with rungs and batons struck complainer, "over-red him with thair horssis,
Page 116. and left him for deid," also reiving from him two kye.—Pursuer appearing personally, defenders, for not appearing, are to be denounced rebels.

Adam Cunningham against Johnstone of Westraw for wrong and oppression.

Complaint by Sir Thomas Hammiltoun of Bynnie, for his Majesty's interest, and by Adam Cunynghame, advocate, for his own interest, that James Johnnstoun of Westraw, accompanied by Edward Irving of Wysbie, with others to the number of 15, all armed with lances, swords, and platesleeves, and with hagbuts and pistolets, came on 8th July last to the said Adam's lands of Dornagittis, Kirkgill, and Abisatland, convened
Page 117. his tenants, and compelled them to renounce to him their kindness and possession of the said lands, and to enter into new condition with him,—intending thereby, with the assistance of some broken men of the middle shires, to appropriate the same to himself.—Charge had been given to Johnnstoun to answer; and now, pursuers appearing personally, defender, for not appearing, is to be denounced rebel.

Complaint by Thomas Knowis, brother and executor nominate of the

Decree against Peter Simson and Robert Williamson for debt.

late George Knowis, baxter in Edinburgh, and of the late Bessie Yule, his spouse, that Petir Simpsoun and Robert Williamsoun, baxters, burgesses there, remain unrelaxed from a horning of 20th July last for not paying him 100 merks as principal and £20 for expenses.—Complainer appearing personally, defender, for not appearing, is to be apprehended, and his goods inventoried. Acta 1608-9. Page 118.

Order for keeping the peace between Carnegy of Kinnaird and Bruce of Earlshall.

Being informed by the presbytery of Saint Androis that a dispute has fallen out between Sir David Carnegy of Kynnaird and William Bruce of Erlishall, anent the division of the teinds of Brodland and Leucharis, the Lords appoint Andro Weymis of Myrecairny, one of their own number, as a person most neutral, to lead the said teinds, and ordain letters to be directed charging both the said parties to desist from leading the same this year, under pain of rebellion. There is also order to charge both parties, under the same pain, to subscribe, within six days after the charge, mutual assurances, to endure till 1st August 1609, and to find cautioners in £5000 each to keep the same inviolate. Page 119.

Anent licences to remain away from the Raid to the Isles.

As many persons subject to the Raid to the Isles have componed for licence to abide at home, and yet have not paid their compositions, there is to be proclamation at the market cross of Edinburgh, intimating that, if those who remain at home pay not their compositions by 1st September next, the same shall not be received from them thereafter, and they shall be pursued for remaining from the said service. Page 120.

Kennedy of Culzean and his brother against John and Gilbert Bannatyne for reset of a rebel.

Complaint by James Kennedy of Culzeane, and Alexander, his brother, as sons of the late Sir Thomas Kennedy of Culzeane, that, albeit Thomas M°Alshunder in had been denounced rebel for not answering for the odious murder of their said father, and albeit there had been proclamations prohibiting any of the lieges from intercommuning with him under certain pains, yet since the time of his denunciation he has been frequently resetted and entertained by Johnne Bannatyne, messenger in , and Gilbert Bannatyne, his brother,—*e.g.* on 20th June last and other days of that month.—Both parties appearing, the defenders are assoilzied, having sworn that the complaint is not true. Page 121.

Douglas of Drumlanrig and tenants against Kirkpatrick of Kirkmichael and others for using fire-arms and for acts of intimidation and oppression.

Complaint by Sir Thomas Hammiltoun of Bynnie, for his Majesty's interest, and by Sir James Douglas of Drumlanrig, Johnne M°Call in Over Garrell, Robert Glendoning there, Johnet Johnestoun, his spouse, and the other tenants of the lands of Over Garrel, all Douglas's men, as follows:—Douglas, his predecessors and their tenants, have been past memory of man in peaceable possession of the said lands, and specially of the part of the commonty thereof called Remrig, till these recent occurrences:—(1) On 22nd June last, Harbert Johnnstoun in Crunyontoun, Sir Alexander Kirkpatrick of Kirkmichael's tenant, came to the said lands, where said M°Call was casting turfs and elding, violently took from him his "slauchter spaid," and carried it to the place of Kirkmichaell. (2) On the same day the said Sir Alexander, accompanied by William Kirkpatrick, his eldest son, and also by Archie Armestrang, called "Apotoshawis," a fugitive for theft, Johnne Kirkpatrik, another son of the said Page 122.

Acta 1608-9. Sir Alexander, and the said Harbert, with others, all armed with swords, gauntlets, and daggers, and with pistolets, came out of the place of Kirk-
Page 123. michael to the said lands, where M°Call was engaged as aforesaid, took from him another slaughter spade, and wounded him with "grite rungis." (3) On 29th June the said Harbert came to the said lands, where the said Johnet was winning turfs, and there, with a pistolet in one hand and drawn sword in the other, chased her to the water of Kyndill, "quhilk scho for feir of hir lyff wes forcit to tak, and almaist had perrischit thairin; quhairof scho tuk sic fray, being grite with chyld for the tyme, that scho pairtit with the said chyld that same nycht." (4) Upon 15th July last the said William Kirkpatrik and Johnne Kirkpatrik, sons of the said Sir Alexander, said Harbert, Mungo Kirkpatrik in Kirkmichael, Robert Dinwiddie there, Johnne Robsoun there, Robert Lawsoun there, Robert Adamsoun there, William Adamsoun there, Robert Johnnestoun there, Johnne Kirkpatrik in Langfat, Roger Kirkpatrik in Glen, Thomas Kirkpatrik, his brother, Jok Corsbie in Kirkmichaell, called the Duke, Archie Johnnstoun in Muling, James Johnnstoun there, called Jame of Garnell (a common thief), Jok Johnnstoun, called in Biggairtis, now in Crunyetoun (also a common thief), all Sir Alexander's men, and Rob Johnnstoun, called in Kirkhill in Wamfray, and Archibald Carrutheris, brother of the Laird of Amisfield, with others, to the number of eighty persons, all armed with swords, platesleeves, pistolets, lances, and spears,
Page 124. of the special causing of the said Sir Alexander, came to the said lands, and there "be way of bangastrie" reft and destroyed the turfs and elding, and cast a great part of it in "peit pottis," avowing with "mony horrible and blasphemous aithis" to bereave the tenants of their lives if ever they
Page 125. came again to the said commonty to cast fuel or turfs.—Hammiltoun and Douglas appearing personally, and said Sir Alexander being also present, the Lords assoilzie Sir Alexander from the complaint of his having used hagbuts and pistolets and had thieves in his company, and also from article four of the libel, because, these complaints having been referred to his oath of verity, he has sworn that they are not true. William Kirkpatrik, younger of Kirkmichaell, Johnne Kirkpatrik, his brother, and the other defenders, except Mungo Kirkpatrik and Archibald Carrutheris, for failing to appear, are to be denounced rebels.

Bailies of Edinburgh against certain inhabitants of the Canongate for insolence to an officer of Edinburgh.

Page 126. Complaint by the bailies of Edinburgh, and by Johnne M°Coull, one of the officers of said burgh, as follows:—On 15th instant M°Coull, seeing James Hart, goldsmith, and Patrik Hairt and William Sibbald, indwellers in the Cannogait, apprehending Archibald Bane, burgess of Edinburgh, and transporting him to the tolbooth of the Cannogait, without warrant of the magistrates, desired them to forbear such violent proceedings against the inhabitants of Edinburgh within the freedom thereof. In reply, the said persons "with thair feit and nevis gaif him mony bauch and bla strykis," and then carried Bane out of the liberty of Edinburgh to the said tolbooth; after which they came again to the said officer and "violentlie rasheit him over a nomber of grite treis," besides assaulting him with their feet and

pulling out "ane flescheour knyff" of purpose to slay him.—Both parties appearing, the Lords find the complaint clearly proved against the defenders, and commit them to ward in the castle of Edinburgh. Acta 1608-9. Page 127.

John Baxter against Lord Torthorwald for wrongous imprisonment.

Complaint by Baxter, one of the officers of Edinburgh, as follows:—He has been committed to ward in the tolbooth of Edinburgh and detained there these 15 days for "allegeit pertaking" with William Stewart in the slaughter of the late James, Lord Torthorrell (*ante*, p. 144). Now, he knew nothing of Stewart, and had nothing to do with that "unhappie accident" (*ante*, p. 128); but, seeing "a far of a tumult upoun the gait," he went, as became his office, "and did quhat in him lay to have stayit the same."—Charge had been given to , now Lord of Torthorrell, to answer; and now, pursuer appearing personally, and the said Lord by his procurator, the Lords ordain the bailies of Edinburgh to release the said officer, on his finding caution in 500 merks to answer in the premises. Page 128.

Matthew Logan and William Mosman.

The Lords modify to Matthew Logane and William Mosman 13s. 4d. each daily as long as they shall be detained in ward (*ante*, p. 152), and ordain the Treasurer to pay to them this sum since their first committing to ward and while they remain therein. Sederunts, Fol. 67, a.

Edinburgh, 20th August.

Charge to Hamilton of Innerwick and the minister of Bathgate.

Being informed that Alexander Hammiltoun of Innerwick, and Mr George Inglis, minister at Bathcat, intend to make convocation of their friends in arms, Hammiltoun for filling up a "coilpot" won by the minister within his own lands of Balberbie, and the minister for defending his possession, the Lords ordain both parties to be charged to appear on 1st September next, and in the mean time to keep good rule, under pain of rebellion. Page 129.

Holyrood-house, 22nd August 1608.

Commission for the trial of Dougal Galloway for slaughter.

Dowgall Galloway, "creilman," haunting in Dundie, having on 29th June last been put to the horn, at the instance of Johnne Ramsay in Keremure, as father, and William and George Ramsayis, as brothers, of the late Johnne Ramsay, chapman, for the slaughter of the said Johnne, and having been lately apprehended and committed to ward in the tolbooth of Dundie, commission of justiciary, signed by Lord Balmerinoch, is given to Sir Johnne Ogilbie of Innerquharitie, bailie of Keremure, and Patrik Ogilbie of Bendochie, bailie depute of Couper, to put him to the knowlege of an assize, and deal with him accordingly. Commissions, 1607–1616, Fol. 11, a.

Edinburgh, 29th August.

Charge for keeping the peace between the Abbot of Cambuskenneth and Murray of Polmaise.

There being "some variance" between Adam, Commendator of Cambuskynneth, and Johnne Murray of Touchadam, "anent certene stanes wone be the said Johnne in the wattir-mouth of Doven, quhilkis he intendis to lead and cary away," both parties are to be charged, under pain of rebellion, to subscribe, within six hours after the charge, an assurance to one another, to endure till 1st January 1609. Acta 1608-9. Page 129. Page 130.

Edinburgh, 1st September.

Sederunt—Chancellor; Mortoun; Wyntoun; Perth; Lotheane; Bishop of Ros; Bishop of Caithnes; Elphingstoun; President; Torphechin;

Acta 1608–9.

Blantyre; Halyruidhouse; Master of Lotheane; Master of Elphinstoun; Comptroller; Privy Seal; Justice Clerk; Advocate; Collector; Clerk of Register; Mr Petir Rollok; Sir Lues Craig; Preistfeild; Polwart; Sir George Douglas; Sir Johne Arnot.

The Earl of Errol's place of ward changed from Perth, now visited by the plague, to Errol.

Supplication by Frances, Earl of Errole, as follows:—Conform to the charge given to him, he has kept ward in the burgh of Perth (*ante*, p. 94); but, as "it hes pleasit God in his mercie to visite the said burgh with the contagious seikneis of the pest, and a grite nowmer of houssis ar infectit thairwith, and the said infectioun is spred throughout all the quarteris of the toun, and mony of the speciall inhabitantis thairof ar removit af the toun and reteirit thameselffis to some placeis of grittair suirtie," he prays that his place of ward may be changed. The Lords, having considered two certificates produced in the name of the said Earl, one subscribed by Mr Alexander Lindsay, Bishop of Dunkeld and moderator of the presbytery
Page 131. of Perth, and the other by the bailies and clerk of Perth, testifying that the said burgh is visited as aforesaid, change the Earl's ward from Perth to Errole, as a place "ewest and neir to the moderatour and bretherine of the presbiterie of Perth, unto whose censure he standis presentlie subject," and declare that this change shall not be "prejudiciall to the proceidingis and censuris of the kirk and presbiterie of Perth aganis him."

Dispute between Napier of Merchiston and his brothers and sisters anent the teinds of Merchiston.

Being informed that, in consequence of a dispute between Johnne Naper of Marchiestoun, on the one part, and Mr Waltir, Williame, Helene, Elizabeth, and Marione Naperis, bairns of the late Sir Archibald Naper of Edinbillie, on the other, as to right and title to "the teynd schavis of the landis of Marchinstoun and Maynis thairof" for this year 1608, "baith the saidis pairteis intendis to convocat thair kin and freindis, and sic as will do for thame, in airmes, for leiding and withstanding of leiding of the
Page 132. saidis teyndis," the Lords appoint William Naper of Wrichtishoussis, as a neutral person, to lead and stack the said teinds in the barnyard of Wrightishoussis, there to remain till it be decided to whom they belong, and discharge the said parties from intromitting with the same meanwhile, under pain of rebellion.

Closing of ferries on the Forth in consequence of the plague in Burntisland.

As the burgh of Bruntyland is visited by the pest and "it is to be feared that the said infectioun salbe brocht to this syde of Foirth and to the toun of Leith and burgh of Edinburgh," the Lords discharge all passage of boats meanwhile at the ferries of Bruntiland, Petticur, Kinghorne, and Leith, and forbid any one to transport passengers or goods at the said
Page 133. ferries without the Council's license, under pain of death. The magistrates of the said burghs are to cause this Act to be obeyed.

Assurance between the Earl of Lothian and Ramsay of Dalhousie.

In consequence of "some variance" between Mark, Earl of Lotheane, and Ramsay of Dalhoussy, there is order to command both parties, under pain of rebellion, to subscribe, within forty-eight hours after the charge, an assurance to one another to endure till 1st September 1609.

Decree against Alexander Kincaid and

Complaint by Mr Petir Kinloch of Alderstoun, that Alexander Kincaid, son of Clement Kincaid of Coitis, and Johnne Cowtis, skinner, burgess of

John Coutts for debt.

Edinburgh, remain unrelaxed from a horning of 25th June last for not paying him 100 merks as principal and £20 for expenses.—Complainer appearing by Archibald Douglas, defenders, for not appearing, are to be apprehended by the Captain of the Guard, and their goods inventoried for his Majesty's use. Acta 1608–9. Page 134.

Decree against John Fiddes for debt.

Complaint by Johnne Fender, "traveller in Poill," that Johnne Fiddes, merchant, burgess of Edinburgh, remains unrelaxed from a horning of 15th July last for not paying him £310 as principal, with £20 for expenses for each of four terms' "failyie."—Complainer appearing by Archibald Douglas, decree as above against defender. Page 135.

Decree against David Ramsay for debt.

Complaint by James Nicoll, merchant, burgess of Edinburgh, that David Ramsay of Brakmouth remains unrelaxed from a horning of 26th January last for not paying him 300 "guidlingis" Flemish money as principal and 120 "guidlingis" Flemish money as expenses.—Complainer appearing by Hew Peblis, decree as above against defender. Page 136.

Decree against John Wellwood for debt.

Complaint by Robert Broun, fiar of Boquharne, and Katherine Douglas, his spouse, that Johnne Walwood, merchant, citizen of Saint Androis, remains unrelaxed from a horning of 21st July last for not paying them 1100 merks.—Complainer appearing by Archibald Douglas, decree as above against defender. Page 137.

Decree against William Fairny and John Arnot for debt.

Complaint by Sir Johnne Hamiltoun of Lecterick, and dame Jeane Campbell, his spouse, that William Fairny of that Ilk and Johnne Arnote of Woodmylne remain unrelaxed from a horning of 11th June last for not paying them £1000 as their part of £3000 as principal, with £100 as liquidate expenses.—Complainer appearing by Archibald Dowglas, decree as above against defenders. Page 138.

Decree against Harry Drummond for debt.

Complaint by David Weymes of Fingask, that Harie Drummond of Leitchill remains unrelaxed from a horning of 13th July last for not paying him 2000 merks, with byrun annuals of the same and 300 merks of expenses, as in a contract of 17th May 1605.—Complainer appearing by Archibald Neilsoun, decree as above against defender. Page 139.

Decree against William Blair for debt.

Complaint by Johnne Thomesoun, servitor to Mr Alexander Hay, one of the clerks of session, that William Blair, portioner of Weltoun, remains unrelaxed from a horning of 12th August 1606 for not paying him 200 merks as principal and 40 merks of expenses.—Complainer appearing by Alexander Douglas, decree as above against defender. Page 140.

Decree against Hew Beattie for debt.

Complaint by Waltir Scot of Tuschelaw, that Hew Batie in Johnestoun remains unrelaxed from a horning of 10th June last for not paying him 500 merks as principal and £100 of expenses, as by a contract of 10th June 1605.—Complainer appearing by Archibald Douglas, decree as above against defender. Page 141.

Decree against Sir Robert Crichton for debt.

Complaint by Johnne Eldair, tailor, burgess of Edinburgh, that Sir Robert Creichtoun of Cluny remains unrelaxed from a horning of 7th July last for not paying him £6 for each boll of eleven score and twelve bolls of bear.—Complainer appearing by Archibald Dowglas, decree as above against defender. Page 142.

Acta 1608-9.

Complaint by Mr Alexander Eleis, merchant, burgess of Edinburgh, that George Rutherfurd in Neisbitt remains unrelaxed from a horning of 18th June last for not paying him 400 merks as principal, with the byrun annuals, and £20 for expenses.—Complainer appearing personally, decree as above against defender. Decree against George Rutherford for debt.

Page 143.

Complaint by William Weir, notary in Leith, that James Cockburne, burgess of Haddingtoun, remains unrelaxed from a horning of 29th June 1607 for not paying him £400 as principal and £80 for expenses.—Complainer appearing by William Borthuik, decree as above against defender. Decree against James Cockburn for debt.

Page 144.

Complaint by Johnne Huchesoun, merchant, burgess of Edinburgh, that Robert Edmond, son and apparent heir of William Edmond, bailie of Striveling, remains unrelaxed from a horning of 23rd April last for not paying him 200 merks, also another 200 merks, with £40 for each term of failure.—Complainer appearing by Archibald Douglas, decree as above against defender. Decree against Robert Edmund for debt.

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Complaint by Johnne Nasmyth, chirurgeon to his Majesty, that Johnne Robertsoun, merchant, burgess of Edinburgh, remains unrelaxed from a horning of 27th August last for not paying him £355, 4s. as principal and £30 for expenses.—Complainer appearing by Mr Johnne Dicksoun, decree as above against defender. Decree against John Robertson for debt.

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The Earl of Sutherland and M^{c}Ky of Far, having neglected the charge to appear or enter their tenants, Johnne M^{c}Phaill in Durnoch and William Murray, bower there, to answer for wounding Mr William Papp and Thomas Papp, ministers, and slaying Charlis Papp, on 1st July last (*ante*, p. 129), are, with their said tenants, to be denounced rebels. To denounce the Earl of Sutherland and MacKay of Farr.

Page 147.

Robert Duncane in Mekle Inche and Rolland Wallace in Bathgait, having failed to appear this day to bear witnessing in the action pursued by Thomas Hering of Kirktoun of Bathcat, and Alexander Nemo, his servant, against Alexander Smaill, flesher in Linlithqu, William Bryce and Johnne Baxter, fleshers there, James M^{c}Crair, servitor to Robert Smaill there, Robert Gibsoun, flesher in the Ferry, James and Rowie Gibsonis and Robert Skougall, cordiners in Linlithqu, touching their pursuing the said Hering and Nemo for their lives with batons and drawn sword, and hurting and wounding them, are to be denounced rebels. To denounce Robert Duncan and Roland Wallace.

Page 148.

Complaint by Sir Robert M^{c}Cellane of Bomby, as follows:—In August 1607, George Glendoning, brother of the Goodman of Drumrashe, accompanied by James Glendoning, both armed with swords, gauntlets, and platesleeves, forgathered with complainer as he was coming from the Newabbey to Kirkcudbricht. He had passed them when, "without ony caus of offence offerrit be him to thame," they "turned thair horssis and come feirslie bak agane," and first upbraided him with reproachful speeches; after which the said George pursued him for his life with a drawn sword.—Both parties appearing, and the complaint having been referred by pursuer to the said George's oath of verity, and the said George having deponed that at the said meeting, as he was riding past Sir Robert MacLellan against George and James Glendoning for assault. Decree of absolvitor.

Page 149.

Sir Robert, "he lifted his hait," and that the said Sir Robert shot his pistolet before the deponer drew a sword, the Lords assoilzie defender. Acta 1608–9.

Alexander Smaill and James MacRae against Alexander Nimmo and others for assault.

Complaint by Alexander Smele in Linlithqu, and James M^cCrae, servitor to Robert Smele, his brother, that, on 10th August last, while they were in the highway be-west the Kirktoun of Bathcat, Alexander Nemo, servitor to Thomas Hering of Kirktoun of Bathcat, armed with a sword, whinger, long staff, and baton, of the special causing of his said master, fiercely assaulted M^cCrae with a great baton and felled him to the ground, and that again, on the following day, Hering, accompanied by Alexander, his son, and the said Alexander Nemo and David Nemo, his servitors, with others, assaulted complainers while they were "going furth the hie way."—Both parties appearing, the Lords find the complaint proved against Alexander Nemo, and ordain him to be committed to ward in the tolbooth of Edinburgh. Page 150.

Reconciliation of Sir Robert MacLellan and George Glendoning.

Sir Robert M^cClellane of Bomby, and George Glendoning, brother of the Laird of Drumrasche, appearing before the Council, of their own proper motive declare themselves reconciled; in token of which they have "choppit handis."

Lord Ochiltree's lieutenancy of the Isles.

In the matter of the missive letter of date 18th August last sent by Lord Uchiltree, Lieutenant over the Isles, to the Council, the Lords approve the answer sent by the President, Blantyr, and Haliruidhous, ordering the returning of the galley, and ordain a commission to be passed to the said Lieutenant for breaking the lumfads, galleys, and birlings on the mainland, and demolishing the houses there belonging to the Islesmen. See the Letter among the *Royal and Other Letters*. Sederunts. Fol. 67, b.

Lairds of Pollock and Newark.

Ordered that his Majesty be acquainted with the petition given in by Pollok and Newark anent their confining, so that the King's pleasure may be known in that matter. Fol. 68, a.

Edinburgh, 9th September.

Assurance between Sir Andrew Ker and Turnbull of Minto.

The assurances between Sir Andro Ker of Phairnyhirst and Andro Ker, his son and apparent heir, on the one part, and Thomas Turnble of Mynto, on the other part, being now expired, albeit the "evill will" between them yet remains, there is order to command both parties, under pain of rebellion, to assure one another, within 48 hours after the charge, till 1st January 1610. Acta 1608–9. Page 151.

Commission for apprehending Alexander Lauder.

As Alexander Lawder of Ummochie, who had been put to the horn on 2nd December 1607 for not paying James Durrhame of Pitcarrow 667 merks as principal and £100 for expenses, remains yet unrelaxed, commission is given to the Lieutenant of the Guard to apprehend the said rebel and to enter him before the bailies of the burgh of Cowper in Fyffe, to be committed by them to ward within their tolbooth, therein to remain till he be relaxed from the horn. Commissions. 1607–1616. Fol. 10, b.

Edinburgh, 15th September.[1]

Sederunt—Wyntoun; Perth; President; Torphechin; Bugcleuch; Acta 1608–9. Page 151.

[1] By this time the small committee that had been appointed by the late General Assembly of the Kirk at Linlithgow to present to his Majesty the overtures and petitions

Acta 1608–9.

Bishop of Ros; Master of Elphinstoun; Comptroller; Justice Clerk; Advocate, Collector; Sir Lues Craig; Mr Petir Rollok; Preistfeild; Clerk of Register; Polwart; Sir James Sandielandis; Conservator; Sir Johnne Arnote.

Anent the taxations due for Kirkcudbright and Annandale, and for Lord Maxwell's lands.

Understanding that, by the "undewtifull behaviour" of Johnne, Lord Maxwell, steward of Kirkcudbricht and Annanderdaill, the bygone taxations after specified, due to his Majesty for the said stewartries and for Lord Maxwell's own lands of Eskdaill, Ewsdaill, Wauchopdaill, Traif, Buttill Grange, and Duncow, remain as yet unpaid, the Lords ordain

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letters to be directed charging , steward deputes of Kirkcudbricht, Robert Aschynane of that Ilk, steward clerk, and Johnne Huttoun, steward officer and intromitter with the taxations of the said stewartry, Carrutheris of Holmendis, steward depute of Annanderdaill, and , steward clerk of the same stewartry, and the said Lord's chamberlains of his own lands foresaid, to make payment of the bygone taxations within the bounds abovewritten, within 20 days after the charge, under pain of rebellion, to the collectors underwritten: viz. to Mark, Earl of Lotheane, collector of the taxation of 200,000 merks granted to his Majesty in December 1597, the sum of 40s. for the tax of each poundland in the said taxation; to Ludovick, Duke of Lennox, and Johnne, Earl of Mar, collectors of the taxation of 100,000 merks granted in February 1601, the sum of 20s. for each poundland in the said taxation; to Sir James Hay of Kingask, collector of the taxation of 100,000 merks granted in July 1606, the sum of 20s. for each of the first and second terms' payment of the said taxation, and the sum of 5s. for the tax of every poundland in the taxation granted for

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"supporte of the burgh of Dunbertane." For the better assistance of the said steward deputes, clerks, and chamberlains, the Lords ordain the Captain of his Majesty's Guard on the Borders to co-operate with the said officers in collecting for the said taxations.

of that Assembly respecting means for the detection and suppression of Roman Catholics in Scotland (*ante*, p. 141, footnote) had arrived in London. Spotswood's account of their reception (p. 509) is as follows:—"They had presence of the King in Hampton Court the 10th of September; where the Archbishop of Glasgow [Spotswood himself], having declared the occasion of their coming, did present the Assemblies letter, together with their petitions. The King, having read both the one and other, said 'that the difference between the lawfull and unlawfull meetings [of General Assemblies] might be perceived by the fruits arising from both; for, as that unlawful Conventicle at Aberdene [in 1605] had caused a schisme in the Church, and given the enemies of religion a great advantage, so in this Assembly [of 1608] they had not onely joyned in love among themselves, which is the main point of religion, but also had taken a solid course for the repressing of Popery and superstition: that he did allow all their petitions, and would give order for a Convention which should ratify the conclusions of the Assembly; assuring them that the Church, keeping that course, should never lack his patrociny and protection.'" In other words, King James was thoroughly satisfied with the proceedings and results of the late Assembly at Linlithgow; was to concur in the policy of severity against the Roman Catholics which the Assembly had recommended; and was to prove his sincerity in this by authorising that Ecclesiastical Convention which the Assembly had appointed for receiving the report of his Majesty's reception of their overtures, and framing measures accordingly.

Act for a retour of the lands of the stewartry of Annandale.

As the steward-deputes of the stewartry of Annanderdaill excuse themselves for non-payment of bygone taxations for the said stewartry by alleging that, through the absence of Lord Maxwell, there can no "perfyte taxt roll of the same stewartry be found," there is order to charge Carruthers of Holmendis, steward-depute of the same, to fix a court at the town of Lochmaben on 10th October next for setting down a "perfyte taxt roll" of all the lands within the same. For the better execution hereof charge is to be given to all such persons as shall be set down in bill by Carruthers to convene at Lochmaben the said day, and to make a just tax roll of every poundland or merkland within the said stewartry, under pain of rebellion. The said roll, when completed, is to be delivered to Archibald Prymrois, to be kept by him with the rest of his Majesty's tax rolls. Acta 1608–9. Page 154.

Lord Sinclair, the Master of Sinclair, and the teinds of Dysart.

Understanding that, in consequence of a dispute between Patrik, Lord Sinclair, and Patrik Sinclair of Pitthoker, Master of Sinclair, respecting right to the teindsheaves of the parish kirk of Dysert for this year, both parties intend to convocate their friends in arms for leading of the said teinds, the Lords appoint Weymes of Bogy to lead the said teinds, commanding him to stack the same in some neutral place, there to remain till it be decided to whom they belong. They also discharge both the said parties from leading the said teinds, under pain of rebellion. Page 155.

Decree against John Forrester and others for non-payment of burgh dues.

Complaint by Johnne Neilsoun, treasurer of the burgh of Irwing, that Johnne and Robert Forresteris in Fairlie, Johne and James Robesonis in Saltcoitis, and James Gelleis there, remain unrelaxed from a horning of 7th June last for not paying him £200 each, to be employed for the use of the said burgh.—Charge had been given to said defenders, except James Robesoun, to answer; and now, complainer appearing by Archibald Douglas, defenders, for not appearing, are to be apprehended by the Guard, and their goods inventoried. Page 156.

Decree against Hew Brown, merchant, for debt.

Complaint by Alexander Ogilby, tailor, burgess of Edinburgh, that Hew Broun, merchant, burgess of Edinburgh, remains unrelaxed from a horning of 9th June last for not paying him 1000 merks as principal and £100 for expenses.—Complainer appearing by George Carkettle, decree as above against defender. Page 157.

Mr Robert Biggart, minister, against David Crichton and others for assault.

Complaint by Mr Robert Biggart, minister at Kirkconnell, as follows:—On 25th August last, David Creichtoun of Kirkconnell, Edward Creichtoun there, Patrik Perk there, and William Perk there, with others, all armed with swords, staves, and daggers, came, without any cause, to complainer's manse and glebe, where he and his servants were mowing the meadow, and there invaded them, and wounded the complainer in the head and left arm. Since then they daily threaten him, so that he dare not repair to his own house or parish kirk for fear of his life. —Complainer appearing personally, defenders, for not appearing, are to be denounced rebels. Page 158.

Decree against Robert Graham for

Complaint by Rolland Airmestrang of Brumeholme, that Robert Grahame, called of Howend, remains unrelaxed from a horning of 14th

Acta 1608–9. Page 159.

July last for not answering for coming, with his accomplices, to complainer's lands of Brumeholme, and pursuing Thomas Airmestrang and others of his tenants for their lives.—Complainer appearing by Johnne Mundaill, defender, for not appearing, is to be apprehended by the Captain of the Guard, and his goods inventoried. not answering for assault.

Page 160.

Complaint by Robert Mushett, notary in Stirling, and Marjorie Mushett, relict of James Forrester of Arnvicar, as follows:—The said Robert, having been appointed procurator by his said sister for requesting David Mushett, portioner of Murdochstoun, cautioner for Waltir Grahame, fiar of Meklewood, to pay her 1000 merks specified in a heritable bond made to her by the said persons, had gone, to that effect, on 28th August last, to the said David, who was then in the kirkyard of Kynkairdin in Menteith: when and where the said David took from him the band, and "rave" it in a hundred pieces, which he put in his "poutcheis."—Complainer appearing personally, defender, for not appearing, is to be denounced rebel. To denounce David Mushet for tearing a band.

Page 161.

Complaint by William Maull, merchant, burgess of Edinburgh, that Sir Patrik Chirnsyde of East Nisbitt remains unrelaxed from a horning of 3rd August last for not paying him £7 for each boll of five score twelve bolls two firlots of oats and the same quantity of "cheritit beir."—Complainer appearing by Archibald Dowglas, defender, for not appearing, is to be apprehended by the Guard, and his goods inventoried. Decree against Sir Patrick Chirnside for debt.

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Complaint by Sir Robert Hepburne, lieutenant of the guard, as follows:—Upon 12th July last, he, Thomas Meggatt, and certain others of the Guard, repaired, as ordered, to the lordship of Cumnok, to apprehend certain fugitives. Having seized four or five of the outlaws in the house of Johnne Qubyte, they had alighted from their horses, and put them "to pasture thair upoun the feildis," when William, Andro, and George Dalrumplis, sons of William Dalrumple at Pennyfadyeochmill, came, and, at the command of George Crawfurd, younger of Leifnoreis,—by whom the said rebels are brought in that country and resetted,—took away the said Meggat's horse, and delivered it to Robert Ellot of Glenberrane, one of the said fugitives, "for the moir spedie fleing and eschewing the persute of the said Guaird." For this offence the said defenders and George Adam in Pennyfedyeoch ought to be punished.—Charge had been given to the defenders, except George Adam, to answer; and now, Sir Robert Hepburne and the said Crawfurd, and Andro and George Dalrumplis, appearing, the Lords find the complaint proved against the said Andro, and ordain him to be committed to ward in the tolbooth of Edinburgh, and detained there till he deliver the said horse or price thereof to Meggat. They assoilzie George Crawfurd and George Dalrumple. Lieutenant of the Guard against Andrew Dalrymple and others for horse-stealing.

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Complaint by William Wauchop of Stottingcleuch, James Wauchop of the Kidcleuch, Johnne Wauchop in Nuddrie, and Archibald Wauchop, as brothers of the late Gilbert Wauchop in Godiscroft, as follows:—For the slaughter of the said Gilbert in August last William Nisbit in Newtoun had been delivered to Sir William Seytoun of Kyllismure, sheriff and In the matter of the ward of William Nisbet, charged with slaughter.

provost of Haddingtoun, as judge of the country; by whom he had been committed to ward in the tolbooth of Haddington. Now, as he "may easelie brek the said waird," it is necessary that charge be given to the said provost to deliver him to the bailies of Edinburgh for ward in *their* tolbooth.—The said William Wauchop appearing for the pursuers, and Seytoun being also present, and producing the said Nesbitt, the Lords ordain Seytoun to put Nesbitt to liberty, on his finding caution in 3000 merks to underlie the law before the justice for the said slaughter when charged. Acta 1608–9. Page 165.

Commission to apprehend Alexander Kennedy and John Cathcart.

Alexander Kennedy, brother of James Kennedy of Culzeane, and Johne Cathcart of Glendischa, remaining unrelaxed from a horning of 13th August last, at the instance of Sir Thomas Hammiltoun of Bynnie, King's Advocate, and Gilbert Bannatyne in Maybole, and Johnne Bannatyne, messenger, his brother, for invading the said Gilbert and Johnne with hagbuts and pistolets, and with drawn swords, commission, signed by the Earl of Wintoun, the Earl of Perth, and Lord Torphechin, is given to the sheriffs of Air and Renfrew, and to James, Earl of Abircorne, to apprehend the said rebels and enter them before the Secret Council. Commissions. 1607–1616. Fol. 9, b.

Holyrood-house, 28th September.

Sederunt—President; Master of Elphinstoun; Comptroller; Collector; Clerk of Register. Sederunts. Fol. 68, a.

Warding of James Murray

James Murray, son of James Murray, master wright, is committed to ward in the castle of Edinburgh for drawing a whinger to Finla Tailliour within the Abbey Close of Haliruidhous.

Edinburgh, 29th September.

Sederunt—Chancellor; Abircorne; Lotheane; Bishop of Ros; Master of Lotheane; Master of Elphinstoun; Justice Clerk; Advocate; Collector; Sir Lues Craig; Polwart; Preistfeild; Sir Johne Arnot. Acta 1608–9. Page 165.

President Balmerino.

Warrant to the Comptroller to pay the President (Lord Balmerino) £2000 "for his expenssis in his present jornay to Courte, in respect he wes send for be his Majestie for some speciall occasionis."[1] Sederunts. Fol. 68, b.

Anent the Isles.

All the Councillors present are ordained to meet on Saturday, 1st October, for the matters of the Isles.

[1] "About the end of September," writes Calderwood (vi. 789), "Sir James Elphinstoun, Laird of Balmarinoth, Principall Secretarie to the King in Scotland, and President of the Colledge of Justice, tooke journey to Court, being written for by the King, but not understanding for what caus." It may be noted, accordingly, that Lord Balmerino, though recorded, with his designation of "President," as present in last sederunt of Council, is not present in this, either under that name or under his other official designation of "Secretary."—In fact, we have seen the last of him at Council meetings. The cause of his summons into England was very serious indeed:—King James, having been of late years, as we have seen, in a strongly anti-Catholic mood (*ante*, p. 163, n.), had, in the year 1607, published in London a treatise entitled "*Triplici Nodo Triplex Cuneus: or an Apologie for the Oath of Allegiance against two Breves of Pope Paulus Quintus and the late Letter of Cardinal Bellarmine to G. Blackwel the Arch-priest.*" To this treatise Cardinal Bellarmine, then living at Rome, had replied, under the assumed name of Matthæus Tortus, in a Latin counter-treatise published in 1608. It was very severe on King James, accusing him of being a kind of Julian the Apostate, who had veered about in religion as might suit his

Acta 1608-9. Page 166.

Sir William Cranstoun, captain of the guard, having lately taken Hew Batiesoun of the Burne for a recent murder, and having directed him to the burgh of Jedburgh, hoping that the bailies thereof, according to the "custome observit within burgh," would commit him to ward in their tolbooth, and the said bailies having "moist undewtifullie" refused, and so "maid the begynning of a verie evill preparative and example, to the

The bailies of Jedburgh charged to answer for disloyal conduct.

interests, inasmuch as, though now so vehemently a Protestant, he had at one time tended to Roman Catholicism and done his best to cultivate the good graces of the Pope. Especially, it was said, this had been the case in the last years of his purely Scottish reign, when he was doubtful of his succession to Elizabeth, and was studying all means of inducing the English Roman Catholics and the foreign Roman Catholic powers to recognise his title to that succession. One passage declared that the King himself had written letters "full of politeness" to the then reigning Pontiff, Clement VIII., and to Cardinals Aldobrandini and Bellarmine, "in which, besides other things, he requested that one of the Scottish nation should be created a Cardinal, so that he might have at Rome some one through whom he might more easily and safely carry on negotiations with the Pontiff"; and in another passage it was hinted that he had given hopes to the Pontiff, directly or through his ministers, that "when he had obtained the English throne he would become a Catholic." These passages, and the attack generally, had annoyed James excessively, the rather because he could recollect on what they were founded. In 1598 there *had* been correspondence by King James, or in his name, with Pope Clement VIII. and other Roman Catholic powers in the interests of his accession to the English throne. His Scottish ministers and Councillors of that time were aware generally of the fact; but his principal and most zealous agent in the business, and the writer of the letters for him, had been the present Lord Balmerino, then only Mr James Elphinstone, and new in the office of *Secretary of State*, after having been for some years already a Councillor and official. A special object of the correspondence had been to secure a Cardinalship for William Chisholm, then Bishop of Vaison in France; and an active instrument in the business, coming and going between France and Scotland to forward it, had been Sir Edward Drummond, another Scottish Roman Catholic naturalised in France, and a kinsman both of Secretary Elphinstone and of Chisholm. Letters conveyed by this Sir Edward Drummond *had* gone from the Scottish Court, by way of France, to Pope Clement, to several Cardinals, and also to the Duke of Florence and the Duke of Savoy.—All this, or something of it, King James could now recollect more or less distinctly in 1608; and, as the recollection, in connexion with Cardinal Bellarmine's taunts, was particularly inconvenient, some practical steps had to be taken to vindicate the King's impeached Protestantism in the face of his own subjects and of all Europe. Why not make Secretary Balmerino the scapegoat?—Whether this suggested itself to the King or was suggested to him one can hardly say; but the latter is likely enough. In the Scottish Privy Council and Ministry at that time there was a manifest division into two parties,—the party of the Lay and Legal lords, headed by Chancellor Dunfermline, and the Clerical or Episcopal party, of which Archbishop Spotswood was fast becoming the head. The division between these two parties, it appears, had come to a crisis just after the late General Assembly of the Kirk at Linlithgow and its vigorous overtures to the King for a new crusade against the Roman Catholics. This may be inferred from Spotswood's words in his *History*, where he concludes his sketch of the proceedings of that Assembly. Chancellor Dunfermline, whose Roman Catholic antecedents were well remembered, and in whom the old Roman Catholic leaven was still latent, supposed himself "to be specially aimed at in all that business," says Spotswood,—adding significantly "*wherein he was not mistaken*"; and Spotswood goes on to say that it was Dunfermline that moved Secretary Balmerino to go to Court, to counteract that deputation from the Assembly that had already gone thither, with Spotswood himself as their chief spokesman, to present the overtures of the Assembly to the King and steady him against the Roman Catholics. One may rather conclude, however, that Calderwood is right in saying that Balmerino had been "written for by the King"; for Spotswood himself makes us aware in the sequel that part of his own purpose in his visit to Court in September 1608 on the business of the deputation from the late Assembly was to overthrow, if possible, both Dunfermline and Balmerino. He did not succeed in shaking the King's confidence in the Chancellor; but Balmerino was doomed.—Spotswood was

hinder of his Majesteis service," there is order to charge the said bailies to answer on 3rd November. Acta 1608-9.

Charge to the Earl of Crawford and others to answer for their "evill will" towards the Laird of Edzell.

As David, Earl of Crawfurd, Harie Lindsay of Kinfawnis, Lindsay, his son and apparent heir, and Sir Johnne Lindsay of Wodwra, bear "ane evill will" against Sir David Lindsay, elder of Edzell, on account of the slaughter of the Lord of Spynie, as if the said Sir David had been accessory thereto, and as the King and Council are "loath to suffer ony of that seid of the auld suppressit monster of deidlie feid within this kingdome to tak ony new ruitting, seing the ordinair course of law is patent to all his Majesteis good subjectis," and as the said Sir David's employment as Councillor and Senator requires his continual attendance, there is order to charge the said persons to appear on October next Page 167. and finally declare whether they challenge the said Laird as in any way guilty of the said slaughter, so that a day may be appointed for his trial before the justice. If they do not then challenge him as guilty, they will be required, according to the Act of Parliament made for reconciling persons at feud, to take him by the hand and renounce all evil will to him, so that he may safely attend his Majesty's service.—Connect with Royal Letter of 18th September 1608.

Order anent runaway workmen from the silver mines.

As Roger Row, Alexander Percye, and Johnne Spargoth, smith, "who all served at his Majesteis silver mynes" (*ante*, p. 64), have "quietlie convoyit thameselffis away of lait fra the saidis werkis, and ar come to the towne of Leith or some uther pairt upoun the coist, awaiting the commoditie of schipping to be transportit to England,"—an evil example to others employed in his Majesty's service,—there is order to charge all and sundry masters of ships and mariners, by open proclamation at the pier and shore of Leith and at the market crosses of the burghs on the sea coast, not to transport any of the said men or any other workmen of the said mines, and also to charge the magistrates and officers within the Middle Page 168. Shires between Beruik and Carlile to "lay the wayis for the saidis personis," and, "gif thay, or ony uther Englische futeman lyke workmen or myneris, come throw thair boundis," to examine them, and, if they appear to come from the said mines, to commit them to ward.

To denounce Gavin Black for assault.

Complaint by Mungo Cowltard in Crawfurdjohnne that, in August last, while he was at the mill of Lesmahago, Gawin Blak in Douglas fiercely set upon him with a drawn sword and whinger, and gave him "ane deidlie stryke in the face."—Pursuer appearing personally, defender, for not Page 169. appearing, is to be denounced.

Decree against Adair of Kinhilt for debt.

Complaint by Mr Johnne Aikman, minister at Twynnem, that William Adair of Kinhilt remains unrelaxed from a horning of 24th July last for not paying him 550 merks as principal and 100 merks for expenses.—

still with the King at the English Court, and Sir Alexander Hay, Balmerino's lately appointed co-Secretary, was also there, when Balmerino was travelling thither.—Authorities for this summary of the beginnings of the great Balmerino business are Calderwood, vol. v. 740–744 and vol. vi. 787–791, Spotswood, pp. 507–509, and the relative portions of the long account given in Pitcairn's *Criminal Trials*, ii. 568–604.

Acta 1608-9. Page 170. Complainer appearing by Archibald Douglas, defender, for not appearing, is to be apprehended by the Guard, and his goods inventoried.

Decree against Thomas Fairly and others for debt.

Complaint by Johnne Huchesoun, merchant in Edinburgh, that Johnne Mathesoun, younger, portioner of Brochtoun, and Thomas Fairlie, younger of Colmestoun, remain unrelaxed from a horning of 22nd June last for not paying him 300 merks as principal and £40 for expenses, and that the said Thomas, and Johnne Stanehop, portioner of Dudingstoun, remain unrelaxed from a horning for not paying him the like sums.—Complainer

Page 171. appearing by Archibald Douglas, decree as above against defenders.

Decree against John Hepburne for debt.

Complaint by James Anislie, merchant, bailie of Edinburgh, that Johnne Hepburne, merchant, burgess of Inuernes, remains unrelaxed from a horning of 1st April last for not paying him the principal and expenses

Page 172. mentioned in the letters of horning.—Complainer appearing personally, decree as above against defender.

Decree against Thomas Monypenny and William Learmonth for not relieving their cautioner.

Complaint by William Barclay of Drumcarrow, that Thomas Monypenny of Kinkell and William Leirmonth of Dairsie remain unrelaxed from a horning of 21st July last for not relieving him at the hands of Johnne Ramsay of Pryourlethame of payment of 2000 merks, with

Page 173. expenses and penalties.—Complainer appearing by Alexander Dowglas, decree as above against defenders.

Decree against Martin of Cardone and his son for debt.

Complaint by Mr Robert Cokburne, advocate, that George Mertene of Cardoun, and Mr James Martene, his son, remain unrelaxed from a horning of 16th October last for not paying him 200 merks as principal, £40 as expenses, and 20 merks yearly for the bygone profits thereof.—

Page 174. Complainer appearing personally, decree as above against defenders.

The whole town of Dumfries found liable for relief of the cautioners for the town in the matter of reset of Lord Maxwell.

Complaint by Johnne Corsane and Roger Kirkpatrik, bailies of Drumfreis, and by Thomas Ranyng, dean of guild of the same, as follows: —At the desire of the rest of the Town Council they became sureties in £1000 for the whole inhabitants thereof that Johnne, Lord Maxwell, and Robert Maxwell of Dynwiddie should not be resetted within the said burgh during their rebellion. Now, the King's Advocate having proved

Page 175. that the said Lord was resetted in the said burgh, the Lords of Secret Council decerned complainers, as cautioners for the said burgh, to have incurred the said pain; and they are charged by the treasurer to pay the same, under pain of rebellion. As this is not a particular deed of the complainers, but a common action concerning the whole town, they ought to have their relief against the whole inhabitants of the burgh; and yet they are refused any kind of relief.—Charge had been given to Harbert Kirkmyre, bailie of Dumfreis, James Young, treasurer, Harbert Diksoun, late treasurer, Adam Corsehill, David Welsche, George Rig, Johne Gledstanes, Robert Richartsoun, Adam Walker, Johnne Puile, Cuthbert Broun, Frances Irwing, Johnne Gibsoun, Johnne Richartsoun, William Williamsoun, Johnne Irwing, James Rig, Mr Johnne Maxwell, William Maiore, George Lorimer, and Johnne Gibsoun, flesher, deaconis, to answer; and now, the said Thomas Raning appearing for himself and the other

Page 176. pursuers, but none of the defenders appearing, the Lords ordain the said

bailies, treasurers, council, and deacons to free the pursuers of their said caution by paying them £1000. Acta 1608–9.

Margaret Marshall and her spouse against Mr Alexander Hamilton for wrongous imprisonment.

Complaint by Margaret Marschell, spouse of David Grahame, weaver, and by the said David, for his interest, as follows:—On 14th instant, Mr Alexander Hammiltoun of Kinglas, and Peter Tyndill, his servant, apprehended the said Margaret without cause, and committed her to ward in the castle of Kynneill; where she has been kept ever since "in grite miserie, scho being ane puir woman and laitlie lichter and deliverit of a chyld, quhilk chyld is in point of tynsale and perisching throw laik of the help and succour of his said mother."—Pursuers appearing, and Hammiltoun being also present, the latter alleges that David Grahame, being his "feit servand" and "haveing the chairge of some of his salt panes," had left his service "and layd his panes idill"; whence "he hes sustenit verie grite hurte and skaith." He pleads that therefore he ought to have caution of the said David that he will answer according to law. As to the taking and detaining of the said Margaret he denies concern, and says that she is now "at frie libertie."—The Lords ordain Grahame to be committed to ward in the tolbooth of Edinburgh, and detained there till he find caution as aforesaid. Page 177.

Bailies of Hawick against Walter Scott and his son for breaking ward furth of their tolbooth.

Complaint by the bailies of Hawick, as follows:—On 26th August last, when they had put Waltir Scot, called of Todschahill, burgess of the said town, in the stocks within their tolbooth for "ane certane ryot and insolence" in the said town, George Scot, son of the said Waltir, came at night to the said tolbooth, broke up the doors thereof, and with axes cut the said stocks in pieces, and so freed not only the said Waltir but sundry other persons committed to ward.—Robert Scot, one of the bailies of the town, appearing for the pursuers, and the said Waltir being also present, but George Scot failing to appear, the Lords find the complaint clearly proved, and therefore ordain the said Walter "to be laid in the yrnis" in the tolbooth of Edinburgh till he enter his said son. Page 178. Page 179.

John Charteris against David Maxwell and others, for suspension of horning.

Complaint by Johnne Charterhouse in Nether Tra, that he is put to the horn at the instance of David Maxwell in the Treifgrange, James, Thomas, Johnne, and Donnald M^cGownes there, and Johnne Ahannay there, for not answering before the Council touching his alleged pursuit of them for their lives on the lands of Treifgrange and Huring. As he was not lawfully charged, as he is innocent, and as he found caution in 300 merks to answer this day and to pay 20 merks to the Treasurer for his escheat, the said horning ought to be suspended.—Pursuer appearing personally, and the said David Maxwell for the defenders, the Lords suspend the said horning, assign 3rd November next to the defenders for proving their libel, and ordain the pursuer to be committed to ward in the tolbooth of Edinburgh, there to remain till he find caution in 1000 merks to answer to the said complaint. Page 180.

Commission to apprehend Thomas Hislop and others,

As Thomas Heislop in Monynet, George Tod in Gammelsheill, James Bryden in Godiscroft, William Balfoure there, James Grosser there, and Michaell Hoppringle there, who had been put to the horn on 21st and Commissions. 1607–1616. Fol. 12, a.

Commissions, 1607–1616.

22nd instant, at the instance of Jonet Craik, relict, and Alexander Richesoun, son, of the late Thomas Richesoun in Cokburnespethscheillis, in default of finding caution to answer before the justice for the slaughter of said Thomas in August last, remain as yet unrelaxed, commission, signed by the Chancellor, the Earls of Abircorne and Lotheane, Bishop of Ros, and Cokburne, is given to the Captain of the Guard, Captain of the Garrison, and to all ministers of the law, to apprehend the said rebels, and to bring them before the justice. charged with slaughter.

Fol. 12, b.

License, signed by the Chancellor, the Earls of Abircorne and Lotheane, Alexander, Lord Elphinstoun, and John Prestoun, to George Ogilby of Quhythillis, to go beyond sea and to remain abroad for three years. License to George Ogilvy to go abroad.

Acta 1608–9. Page 181.

Sederunt—Chancellor; Ergyle; Abircorne; Lowthiane; Uchiltrie; Bishop of Ros; Bishop of Orknay; Bishop of Isles; Master of Lowtheane; Comptroller; Collector; Quhittinghame; Preistfeild; Sir Johnne Arnot. Edinburgh, 4th October.[1]

Complaint by William Turnbull of Airdrie, as follows:—Robert Naper, son of William Naper of Wrichtishoussis, "being a persone respectit be the said complainer with all dewteis of love, kyndnes, and freindschip, and haveing frie acces to the said complenairis house and table at his pleasoure," had nevertheless, assisted by his said father, and by Mr William, also son of the said William, convoyed by night Elizabeth Turnebull, complainer's daughter, a bairn of 11 years of age, furth of his house in Edinburgh, and now keeps her in "some obscuir pairtis" of the said burgh.—Pursuer appearing personally, and the said William, and Mr William, his son, being also present, but Robert not appearing, the Lords assoilzie the two Williams, because they give their great oath that they knew not of the said crime, and that the said Robert and Elizabeth were not resetted by them; but they ordain Robert to be denounced rebel. William Turnbull against Robert Napier for the abduction of his daughter. Defender to be denounced.

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The King and Council, being informed that Arthour, Lord Forbes, David Forbes of Putachie, Johne Forbes of Petsligo, William Forbes of Tolquhone, William Forbes of Corsindae, William Forbes of Monymusk, William Forbes, his son and apparent heir, Forbes of Brux Patrik Forbes of Cors, Johnne Forbes of Blaktoun, Alexander Forbes of Finges, Johnne Forbes, younger of Echt, &c., bear a "deadlie haitrent" against Alexander Irwing of Drum, his brothers and friends, for his having apprehended and presented to justice the late Johnne Forbes, called of Corsindae, a notorious malefactor,—thus doing what they can "to gif new seid and rooting to that auld monster of deidlie feid quhich his Majestie so cairfullie by his Heynes royal power and authoritie suppressit in this kingdome,"—therefore ordain letters to be directed charging the said per- Charge to certain Forbeses to answer for their enmity to Irvine of Drum.

[1] About this time Secretary Balmerino was with the King at Royston, fully aware now of the nature of the business on which he had been brought thither (*ante*, pp. 166–168 footnote), and trying to clear himself in conferences with his Majesty, and with Archbishop Spotswood, Sir Alexander Hay, and others.

sons to appear on before the Council.—See *ante*, p. 100; Acta 1608-9, and connect with Royal Letter of 18th September 1608.

Royal Letter ordering proclamation of his Majesty's approval of the proceedings of the late General Assembly at Linlithgow, as reported to him by a Commission from that Assembly; his concurrence with the Assembly in their decree for vigorous measures against Roman Catholicism in Scotland; and his assent to the Ecclesiastical Convention proposed by the Assembly for that business: only postponing such Convention from 15th November to 6th December.

"Althocht the first adverteisment of the godlie fordwardnes and zeale kythed by those of oure Nobilitie, Cleargy, and of the other Estaitis of that oure kingdome, convened laitlie in a General Assemblie at oure burgh of Linlithqu, did gif unto us no small caus of joy and contentment, that thair sould be sa grite a nomber of weill affected and disposed people in religioun within our said kingdome in thir dayis, quhen blindnes and ignorance haith taikin so grite hald abroad in forreyne pairtis, yit since that first adverteisment we ar so muche the more satisfied and contented with thair quhole proceidingis, being certifeid of the same at length be oure Commissionair, quho wes present all the tyme thairof, and by the repair hether of some Commissionairis selected out of everie Estate and directed be the said Assemblie to be humble suiteris unto us for the allowance of certane materis moved amangis thame. Upoun the first heiring of Page 184. quhich propositionis we haveing cleirlie discovered the trew difference betwix the lauchfull and unlauchfull meitingis and the good fructis that weill licenced and lawfullie convened Assembleis will produce, by concuring togidder in a conjunct harmonie to advert to the commoun enemie, and to deliberat upoun suche meanis quhairby his grouth and increesse may be stayed, and that suche in quhome errour is so fer rooted as thair is no hoip of reclameing may be ather utterlie supprest or at leist brocht to that cais that thay neid not to be in any sorte feared or regairdit, and not according to some laite proofe of unlauchfull conventiclis, quho upoun a harebrainde folly do preise to raise a schisme in the Church and by divisioun do give that advantage to the enemey that thair untimous concurring afterward togidder will hardlie get remedit. And, as love is that mayne point of all religioun, so the tokenis of a general uniformitie amangis the Cleargy and other Estaitis thair convened, uttered by thame before the dissolveing of thair Assemblie, did testifie to the warld with quhat trew sinceritie and affectioun of hairte that quhole meiting wes; quhairin thair proceiding by excommunicatioun aganis ane of the grite subjectis of that land did thairwith schaw the small regaird thay have to offend ony that ar of contrarie professioun. Quhich as we can not bot commend verie muche in thame, so, since the Almichtie God haith bene pleased to commit the patrocinie of his Church in our dominionis to our cair and protectioun, as his lieutennant heir on earth and norische-father of the same, we intend naway to be defective thairin, bot to assist all the lauchfull proceidingis of that Churche, als weill in advanceing the Gospell as repressing of contrarie professouris. And, haveing considerit the petitionis brocht unto us by these Commissionairis sent frome the said Assemblie, as we do verie weill allow of the same, so, for the bettir encurageing of those quho have had this turne in hand,—of quhome we hald everie ane in thair awne degrie to have deserved oure speciall thankis,—and to affray all suche quho dar kyth thameselffis of a contrarie faith, it being certified unto us that at the dissolveing of the said Assemblie

Acta 1608–9. certane of everie Estate wer appointit to meit at Edinburgh the fyftene of November nixt to attend the Commissionairis returne and to undirstand
Page 185. frome thame oure acceptatioun of the propositionis broght hether with thame; and we being willing not onlie to declair oure allowance of the same, bot further to authorize and countenance the same with our regall authoritie and pouer: have thairfore thoght meit to appoint a Conventioun of the Estaitis of that oure kingdome the sext of December nixt,—aganis quhilk tyme we do intend to send doun thethir oure particulair pleasour and will concerning all those petitionis preferred by the saidis Commissionairis to us. And oure will is that, by open proclamatioun to be maid at the mercat croces of oure borughis of Edinburgh, Perth, Striveling, Glasqu, Dundie, Abirdene, Elgin, and Drumfreis, intimatioun be maid to all suche quho expect for the returne of oure answer at the said fyftene of November, that thay repair to oure said burgh of Edinburgh the sext of December; quhair we intend not onlie to have a good, plausible, and acceptable answer delivered for the trew conforte of all good professouris, bot that some suche further courses also salbe concludit upoun by the Estatis to be at that tyme convened as may moist availl for the prosequuteing of quhatsumevir thing may both represse the commoun enemie, and that this happie unioun of the Churche of that kingdome, God his glorie, may be advanced, and trew religioun profest. Gevin at oure honnour of Hamptoun the secund of October 1608."[1]

Sederunt—Chancellor; Ergyle; Craufurd; Abircorne; Lotheane; Bishop of Orknay; Bishop of Ros; Bishop of the Isles; Bugcleuch; Blantyre; Halyruidhouse; Master of Lotheane; Comptroller; Collector; Sir Johnne Arnot. Edinburgh, 5th October.

Report of Lord Ochiltree as to his proceedings in the Lieutenancy of the Isles.[2]

"The quhilk day in presence of the Lordis of Secrite Counsale compeirit personalie Andro, Lord Stewart of Uchiltrie, his Majesteis lieutenant and justice in the Yllandis of this realme, and maid his reporte unto the saidis Lordis anent the forme of his procedoure upoun the pointis of his commissioun of lieutennandrie, as follows:—

1 This Letter confirms Spotswood's account, quoted in footnote, p. 163 *ante*, of the favourable reception by his Majesty on the 10th of September of the deputation from the late General Assembly at Linlithgow. Indeed, Spotswood there goes on to anticipate this Hampton Court Letter of the 2nd October, and the three other Royal Letters, all of the same date and place, by which his Majesty intimated his pleasure respecting the three great Roman Catholic nobles whose cases had been before the Linlithgow Assembly,—the Marquis of Huntly, whom the Assembly itself had excommunicated, and the Earls of Angus and Errol, whose excommunication it had entrusted to the Presbyteries of Glasgow and Perth respectively (*ante*, p. 140, footnote). Of these other Royal Letters presently: meanwhile we may query whether the present Royal Letter is correctly dated in the Council's transcript of it into their Register. A Letter sent from Hampton Court on the 2nd of October could hardly have been in Edinburgh on the 4th.

2 Lord Ochiltree is now back in Edinburgh from the important service of Lieutenancy for the King in the Isles, to which he had been commissioned on the 21st of June last (*ante*, pp. 113–114). For the history of his three months of Lieutenancy for the reduction of the Isles to obedience, and of its connexion with the fag-end of O'Doherty's recent abortive insurrection in Ireland, see, in addition to previous minutes in the Register, the

In the first, he declairit that, according to the first point of his commis- Acta 1608–9. Page 186.
sioun, he causit wairne the capitanes and chiftanis of clanis in the Yllis to compeir befoir him to rander thair obedience, and that Angus M°Coneill of Dunyvaig, Hector M°Clayne of Dowart, Donnald Gorme of Slate, Donnald M°Allane M°Ean of Ylantyrum, capitane of the Clan Rannald, Lauchlane M°Clan, brother to the said Hectour, Alexander M°Cleud, brother to Rorie M°Cleud of Dunveggane, Allane M°Clayne, sone to Charlis M°Clane of Ardgoure, Neill M°Ilduy and Neill M°Rory, servitouris to the said Hectour, come all in to him frelie and of thair awne accord, without promeis, band, conditioun, or assuirance, and in maist humble and submissive maner randerit and offerit thair obedience to his Majestie and to the said Lieutennent as his Heynes officeair. And declairit that he had all thir personis, except the said Angus M°Coneill, heir with him in this burgh of Edinburgh, and promeist to enter thame before the saidis Lordis the morne at sevin houris in the moirning. And declairit that, upoun some necessair occasionis of service, he left Angus M°Coneill behind him, and promeist to entir him before the saidis Lordis upoun the fyftene day of November nixt to cum. And siklyke declairit that he causit chairge Rory M°Cleud of Dunveggane to come in and rander his obedience; quha come not. Alwyse the Lieutennent is of opinioun that the entrie of Alexander M°Cleud, his brother, will mak the said Rory answerable and obedient. Anent M°Clane of Barra and M°Cleud of the Lewis, the Lieutennent declairit that the present seasoun of the yeare wes not answerable to go sa fer north, and that M°Neill of Barra wes a dependair upoun M°Clane; quha wald mak him obedient and answerable.

Item, he reportit and declairit that he hes causit chairge the Castell of Dunnyvaig to be randerit,—quhilk accordinglie wes randerit; quhairin he hes left his uncle as capitane and commander, with twenty-four souldiouris, weill providit and furneist for keeping of the house; and that he dimolishit and kaist doun to the ground the house of Lochgorne in Yla.

Item, he reportit and declairit that the house of Dowart was randerit to him at his comeing to Mull; quhairin he placeit a competent garisoun. But, haveing ressavit a letter frome the Comptroller contening that thair wes no necessitie of intertening a garisoun in that house gif M°Clane come in, the Lieutenant gaif bak agane the house upoun his awne band to Page 187.

following *Royal and Other Letters* in chronological order:—*Council to Governor of Knockfergus*, 21st June; *Do. to Do.*, 13th July; *Council to Lord Deputy of Ireland*, 13th July; *Sir William St John to the Council*, 17th July; *Council's Reply to Sir William St John*, 22nd July; *Council to Lord Ochiltree*, 22nd July; *Lord Deputy of Ireland to the Council*, July; *Do. to Do.*, 27th July; *Do. to Do.*, 3rd August; *Council to Lord Ochiltree*, 9th August; *Lord Ochiltree to the Council* (from Islay), 12th August; *Lord Ochiltree to the Council* (from Mull), 18th August; *Council to Lord Ochiltree*, 19th August; *Do. to Do.*, 25th August; *Council to Lord Deputy of Ireland*, 25th August. Lord Ochiltree's two letters, one from Islay and the other from Mull, are especially interesting,—even picturesque; and the present minute of Council, now that he is back in Edinburgh, may be regarded as completing by word of mouth that report of the proceedings of his Expedition of which those two letters from him in his absence had been an instalment.

Acta 1608–9. mak it answerable, and to deliver it quhen he salbe chairgit. And he reportit and declairit that the house of Arros is not worthy of the keiping or of ony chairgeis and expenssis to be bestowit thairupoun, and hes the said Hector M°Clane bound to mak it answerable and to deliver it quhen he salbe chairgit.

Anent the house of Ardnamurchin, he reportit and declairit that he had the Laird of Laweris band to mak it answerable, and that it sould be randerit quhen it sould be chairgit, undir the pane of ten thowsand pundis.

And siclyke he reportit and declairit that he had brokin and distroyit the haill gailleyis, lumfaddis, and birlingis that he could find in ony pairt of the Yllis quhair he resortit to.

Anent the holding of his justice courtis and the actis and constitutionis set down be him for quieting of the cuntrey, he referris himselff to his Booke of Recordis; quhilk he presentit and exhibite before the saidis Lordis."

Sederunt—Chancellor; Ergyle; Crawfurd; Abircorne; Bishop of the Isles; Bugcleuch; Blantyre; Comptroller; Collector. Edinburgh, 6th October.

Entry of certain chieftains of the Isles by Lord Ochiltree, and warding of them in several castles.

Andro, Lord Stewart of Uchiltrie, "conform to his promeis maid yister nycht," enters the Laird of Dowart and his colleagues abovewritten (*ante*, p. 174); who declare that, "for testificatioun of thair moist humble obedience to the Kingis Majestie," they came in of their own accord. The Lords, all in one voice, find meet that the said persons shall be committed to ward as follows, and shall remain in ward till his Majesty "send doun his will and pleasour":—viz. the Laird of Dowart, Lauchlane M°Clane, Allane M°Clane, Neill M°Ilduy, and Neill M°Rory, in the castle of Dunbertane; Donald Gorme and Allan (? Donnald) M°Allane M°Eane, in the castle of Blaknes; and Alexander M'Cleud, in the castle of Stirling: and this because the Constable of Edinburgh Castle, appearing before the said Lords, has declared that "thair wes na void placeis within that Castell for thame, in respect of the great nomber of wairdouris alreddy within the same." The said persons, except Alexander M'Cleud, are accordingly delivered to Sir Robert Hepburne, lieutenant of the guard, to be convoyed by him and a sufficient number of the guard to their wards. Archibald, Earl of Ergyle, undertakes to convoy the said Alexander to his ward in the castle of Striveling, and to deliver him to the Captain thereof by Sunday next, 9th instant.[1]

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Sederunt—Chancellor; Mar; Wyntoun; Lotheane; Bishop of Ros; Blantyre; Halyruidhouse; Justice Clerk; Constable of Dundie; Holyrood-house, 11th October.

[1] Immediately after having made his report to the Council and wound up with them the affairs of his expedition, as by the last minute and this, Lord Ochiltree departed for London. See, among *Royal and Other Letters*, the letter of Council of this very date (6th October) recommending him to the King on account of the efficient performance of his service in the Isles, and the two following letters of Council of the same date similarly recommending Owen Wynne and the Bishop of the Isles (*ante*, p. 114, and footnote) for *their* subordinate parts in the same service.

Mr Petir Rollok; Collector; Sir Lues Craig; Preistfeild; Sir Michaell Elphinstoun; Sir Johnne Arnot. Acta 1608–9.

Charge to the Earl of Angus, at present under sentence of excommunication, to enter in ward in the castle of Edinburgh or else to go abroad.

The sentence of excommunication having been pronounced against Williame, Erll of Angus, for his heretical profession in religion, "and his Majestie allowing verie weill of the said sentence, as his Heynes intendis evir to authorise all lauchfull proceidingis of the Churche in this kingdome, as appointed by God to be the nuris-father of the same," and acknowledging himself "bound in dewtie to God to use all good officeis for reclameing of suche frome thair errouris quho ar of a contrarie professioun, and to prevent all occasionis quhairby utheris may be intysit to imbrace thair erronious opinionis, to the encurageing of all good and dewtifull subjectis to continew in the feir of God and in his Majesteis obedience, and for ane examplair punishment of all suche quho dar gif testimonie of thair obstinat continewing in ony professioun quhilk may gif unto his Majestie just caus to suspect thame to be skairsh weill affected and weill disposit subjectis"; but his Majesty being at the same time "informed that the said Erll is subject to divers great diseassis, inhabilitie, and seiknes, quhairof the said Erll hes no good hoip evir to recover without the advise and help of phisitionis in foreyne pairts": therefore the Lords of Secret Council ordain letters to be directed charging the said Earl to enter in ward, under pain of rebellion, within ten days after the charge, in the castle of Edin- Page 190.
burgh, or else to find caution in 10,000 merks to go abroad by 10th November next, and in the meantime to remain in the house of Tomptalloun.

Charge to the Earl of Errol to enter in ward in Dumbarton Castle for his religious non-conformity.

As his Majesty understands that the refusal of Frances, Earl of Errole, to "conforme himselff to the religioun presentlie professit" has "justlie induceit the Kirk to proceid to thair censure of excommunicatioun aganis him," and as his Highness "allowis verie weill thairof" for the aforesaid reasons (see last Act), the Lords ordain letters to be directed charging the said Earl to enter in ward in the castle of Dunbertane within ten days after the charge, under pain of rebellion.

Charge to the Marquis of Huntly to enter in ward in Stirling Castle for his obstinacy in his religious errors.

As his Majesty "doeth verie weill allow of the proceiding of the Generall Assemblie by ecclesiasticall censure of excommunicatioun aganis George, Marques of Huntly, for his obdurat apostacie frome the trew professioun of the faith, and obstinacie to be reclamed in ony sorte frome his errouris in religioun," so, "howevir his Majestie do pitie his blindit ignorance," yit, "als wele to reduce him by chastisment (since fair meanis have nothing avaled) to the pathway of his salvatioun, as that thairby all utheris his Majesteis subjectis may knaw that all those in this sorte affected in religioun, howevir thay schaw thameselffis presentlie disposed, may not the les be justlie suspectit as dangerous subjectis in the estate," there is order to command the said Marquis to enter in ward in the castle of Striveling, within 15 days after the charge, under pain of rebellioun.[1]

[1] With the last three orders of Council connect the three Letters of his Majesty, of date 2nd October 1608, which had given the Council the instructions they now carry out.

Sederunts. Fol. 69, b.

The Lords, having seen the letter sent from the Earl of Dunbar, lieutenant over the middle shires, to the Earl of Lotheane, agreeing to the relaxation of the Laird of Pollok from his present confining benorth the water of Tay, allow of the said missive and ordain the clerk of Council to receive caution of the Laird of Pollok according to the direction of the said letter. Laird of Pollock relieved from warding.

Acta 1608–9. Page 191.

Sederunt—Chancellor; Bishop of Ros; Bishop of the Isles; Torphechen; Bugcleuch; Halyruidhouse; Master of Lotheane; Master of Elphinstoun; Quhittinghame; Advocate; Collector; Preistfeild; Clerk of Register; Conservator; Sir James Sandielandis; Sir Johnne Arnot. Edinburgh, 13th October.

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Complaint by Sir Thomas Hammiltoun, King's Advocate, for his Majesty's interest, and by Sir James Sandielandis of Slammanno, that Williame Purdie in Covinsha has for months past regularly worn hagbuts and pistolets,—riding with them openly in all parts of the country and using them for his "particulair revenge upoun all sic personis aganis quhome he beiris ony quarrell."—Both parties appearing, the Lords assoilzie the defender, the pursuers having failed in proving any part of the complaint after producing divers witnesses. King's Advocate against William Purdy for bearing fire-arms.

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Complaint by David Muschett, portioner of Murdochstoun, that letters of horning have been directed against him, at the instance of Robert Mushet, notary in Stirling, and Marjorie Mushet, relict of James Forrester of Arnevicar, for not answering touching his alleged "ryveing and distroying of ane heritable contract," whereby the said complainer, and Waltir Grahame, fiar of Meklewood, were bound in payment of 1000 merks (*ante*, p. 165). As the complaint touching the destroying of the contract had been submitted to certain friends and settled long before the day appointed for his appearance, and as he had found caution in 500 merks to answer this day, the said horning should be suspended.— Suspension of horningagainst David Mushet.

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Pursuer appearing, but not defenders, the Lords do suspend the horning, and discharge all officers of arms from executing the same.

Complaint by Robert Donnaldsoun, merchant, burgess of Edinburgh, that, on 21st July last, David Andirsoun, Thomas Flint, and Johnne Sibbald, indwellers in Pettinweyme, all armed with swords, gauntlets, and platesleeves, came to him while he was in Pettinweyme, first upbraided him with injurious speeches, and then assaulted him with drawn swords, wounded him in the right hand, and left him for dead.—Pursuer appearing Robert Donaldson against three men of Pittenweem for assault.

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personally, defenders, for not appearing, are to be denounced rebels.

Complaint by Andro Balfour, tailor, citizen in London, that Sir Robert Forrester of Strathenrie remains unrelaxed from a horning of 15th July last for not paying him 600 merks as principal, £50 of liquidate expenses, and also 500 merks specified in said letters of horning.—Complainer appearing by William Wat, defender, for not appearing, is to be apprehended by the Captain of the Guard, and his goods inventoried. Decree against Sir Robert Forrester for debt.

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Decree against John Mow and others for not removing from certain yards.

Complaint by Johnne Moscrop, burgess of Jedburgh, that Johnne Mow, elder, burgess there, William Dowglas there, Richard Alesoun there, Luce Henrysoun, Robert Simpsoun there, and William Adamsoun there, remain unrelaxed from a horning of 30th September 1606 for not flitting from the yards mentioned in the letters of horning and for not paying him £25 as the expenses of the plea.—Complainer appearing personally, decree as above against defenders. Acta 1608-9. Page 197.

Decree against Mr James Ross and others for debt.

Complaint by Waltir Lundy, son of Mr George Lundy of Gorthy, that Mr James Ros, minister at Forteviot, and George Moncreiff and George Cochran, indwellers in the Kirktoun of Maler, remain unrelaxed from a horning of 9th May 1607 for not paying him 1400 merks as principal and £100 of expenses.—Complainer appearing personally, decree as above against defenders. Page 198.

John Muirhead against John Aitken and others for assault.

Complaint by Johnne Muirheid in Boytoun, as follows:—Upon 1st August last, while he was coming from Glasgow to his own house, Johnne Aikene in Gairforie, Thomas Aikene, his brother, there, and Johnne Gray in Crystoun, miller at Badley-mill, all armed with swords, daggers, and gauntlets, waylaid him in the highway at the Brig called the Scouring Burn Brig, and their assaulted him with drawn swords, gave him two deadly wounds in the head, and would have slain him if he had not been rescued by certain persons present. Farther, "persaveing the said complenair to be set upoun his horse," they followed him, of new set upon him, and gave him three strokes upon his head, two on his left arm, and one on his back wherewith they "clave his rig bone," and left him for dead, saying one to another "it wer bettir to gang by his grave nor his dure," and so departed.—Pursuer appearing personally, and Gray being also present, but the other defenders failing to appear, the Lords assoilzie Gray, but find the complaint clearly proved against the absent defenders, and so order them to be charged to enter in ward in the tolbooth of Edinburgh. Page 199. Page 200.

Menzies of Enoch against Fergusson of Craigdaroch and others, for suspension of horning.

Complaint by Adam Meinzeis of Enoch, that Johnne Fergusoun of Craigdarroch, Robert and Thomas Forgusonis, his sons, Johnne Fergusoun, son of the said Robert, Johnne Fergusoun in Correchdow, Thomas Fergusoun in Pymbey, Robert Fergusoun of Macalstoun, Johnne Fergusoun of Over Ingilstoun, Niniane Fergusoun in Knoknaplat (Knokaskit), and Johnne Fergusoun of Blairochy, alleging that the complainer molests them, had charged him to find lawburrows to them in £1000, under pain of rebellion. As the said persons have not given their oaths that they dread bodily harm of him, as even then the pain prescribed by Act of Parliament for one in his station would be only 500 merks, and as he has nevertheless found caution as charged, the said horning should be suspended.—Pursuer appearing, but none of the defenders, the Lords do suspend the letters of horning, and modify the penalty to 500 merks. Page 201. Page 202.

James Cleghorn against John Duncan and his servitor for assault.

Complaint by James Cleghorne, flesher in Newbigging beside the burgh of Mussilburgh, that, on 7th June 1607, Johnne Duncane, in Tranent, and Mathew Huldie, his servitor, with others, came at night to his house, where he was sitting at the door, and there, without cause, fiercely set

Acta 1608–9. Page 203

upon him with drawn swords, and unmercifully wounded him.—Charge had been given to the said servitor to answer; and now, pursuer appearing, but not defender, the Lords find the complaint proved against him, and therefore order him to enter in ward in the tolbooth of Edinburgh, within six days after the charge, under pain of rebellion.

Protest in favour of the magistrates of Glasgow.

James Braidwood, bailie of Glasgow, and James Bell, one of the council of the said city, appear as procurators for the provost and bailies of Glasgow, and give in a copy of the letters raised by William Andersoun, James Elphingstoun, William Stirling, Mr Samuell M'Gill, Umphra Cunynghame, Johnne Galbraith, William Wallace, Williame Flemyng, Robert Cors, James Scot, George and Johnne Scottis, Niniane Andirsoun, William Nesbitt, Mr George Stirling, Johnne Andirsoun, David Gray, Thomas Patirsoun, Archibald Maxwell, James Baillie, Johnne Wadrop,

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Richard Kirkland, Archibald Seller, Johnne and William Clerkis, Andro Craufurde, James Gillespie, all burgesses in and inhabitants of Glasgow, charging the said provost and bailies to appear before the Secret Council, and to produce the Acts made by them whereby they had discharged the said William Andirsoun and his colleagues of their freedom within the said city, in order to the suspension of the same, and also to answer the complaint made by Andirsoun and his colleagues against them.—And now, neither Andirsoun nor any of his colleagues appearing, the said procurators protest that the said magistrates shall not be held to answer farther to the said letters till again warned. The Lords admit the protest.

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To denounce the Earl of Crawford and others for disobedience.

David, Earl of Craufurd, Hary Lindsay of Kinfawnis, Sir Johnne Lindsay, his son, and Sir Johnne Lindsay of Woodwray, failing to appear this day, as charged, to answer for their "evill will and grudge" against Sir David Lindsay, elder of Edzell, on account of the slaughter of Lord

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Spynie (*antè*, p. 168), are to be denounced rebels.

Decree against George Gairden for not relieving his surety.

Complaint by William Leyis, merchant, burgess of Edinburgh, that George Gairdin, burgess of Innerkething, remains unrelaxed from a horning of 15th September last for not relieving complainer, as surety for him, at the hands of Marjorie Wallace in Edinburgh, of the payment of 300 merks as principal and £40 for expenses.—Complainer appearing by

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Archibald Douglas, defender, for not appearing, is to be apprehended by the Captain of the Guard, and his goods inventoried.

Order for payment of arrears of taxes in Annandale.

A chief cause of the non-payment of the taxes in Annanderdaill for the taxations of December 1597, February 1601, and July 1606 (*ante*, p. 163) being that most of the heritors of the lands within the said stewartry dwell in other shires, and others are out of the kingdom, so that their lands are possessed by their vassals and others who will not pay, there is order to command as well all and sundry earls, lords, barons, and freeholders of lands within the said stewartry as their vassals, ladies of terce, conjunct fiars, liferenters, and the present possessors of the said lands, to pay the taxes of the same for the bygone taxations foresaid to the steward-depute of

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Annanderdaill, within 20 days after the charge, under pain of rebellion.

To denounce Henry Cairns for not answering for using fire-arms.

Complaint by Sir Thomas Hammiltoun of Bynnie, King's Advocate, for his Majesty's interest, and by Johnne Baillie of Braidschaw and William Purdie in Covingschaw, as follows:—In August 1606 Henry Cairnis in Covintoun, armed with sword, whinger, platesleeves, and a long hagbut, forgathered with the said William Purdie; and, Purdie having "modestlie" inquired why Cairnis carried the said hagbut and willed him to desist from bearing the same, Cairnis had discharged the hagbut at him and shot him through the thigh, to the peril of his life,—the hagbut being then charged with a number of small "graith and bullettis." Moreover, through May, June, July, August, September, October, November, December, January, and February last, the said Cairnis almost daily carried hagbuts and pistolets, shooting therewith at wild fowls, and using them for his "particulair reveng."—Pursuers appearing, defender, not appearing, is to be denounced rebel. Acta 1608-9. Page 209.

Certain inhabitants of Ayr denounced for neglect to answer a summons.

Complaint by Sir Thomas Hammiltoun of Bynnie, for his Majesty's interest, and by David Fergusoun, provost, Johne Jamesoun and George Cochrane, bailies of the burgh of Air, Johnne Eisburne, David Crawfurd, Joseph Miller, advocate, and James Johnnstoun, curators to William, Jonet, and Elizabeth Rysidis, bairns of late William Rysyde, merchant, burgess of said burgh, and by the said bairns for their interest, as follows:—After the decease of their said father, upon occasion of an action raised at the instance of Allane and Thomas Cathcairtis in against the said bairns, the keys of their said father's merchant booth, with consent of the said Allan and Thomas and the said minors, were delivered to the said bailies for custody till the said action should have been discussed. Page 210. But, in July last, on a preaching day within the said burgh, the said Allan and Thomas, accompanied by Allan Cathcairt of Clophin, Thomas Cathcairt in Mylneholme, Cathcart of Bardarroch, Johnne Kennedy, servitor to Allane, Lord Cathcairt, George Dumbar of Entirkin, Thomas Busbie, burgess of Air, Michaell Dalrumple, burgess there, Hew Neisbitt, saddler, Alexander Adam, smith, David Bour in Mylneholme, and James Kennedy, son of the goodman of Baltersane, with others, all armed with swords, gauntlets, platesleeves, hagbuts, and pistolets, came in a tumultuous manner, in time of preaching, to the said booth, forcibly broke up the door thereof, reft the goods within the same, and disponed thereof at their pleasure.—Charge had been given to the defenders, except David Bour, to answer to the premisses, and to Johnne Cadow, burgess in Air, Page 211. Johnne Cunynghame there, Johne Reid there, Niniane Flemyng there, Mertene Baillie there, Robert Mirrie there, Johnne Howstoun there, and William Androw there, to appear as witnesses; and now, the said Sir Thomas Hammiltoun and Joseph Miller appearing for themselves, and the said James Johnnstoun appearing for himself and the other pursuers, and the said Allan Cathcart of Clophin, Thomas Busbie and Thomas Cathcairt in Mylhoill, defenders, and Johne Houston, witness, also appearing, but the other persons summoned failing to appear, the Lords ordain the defaulters to be denounced rebels.

Acta 1608-9.

Waltir Scot of Todschawhill, burgess of Hawik, appears and presents George Scot, his son, conform to the act of caution by the said Waltir, and by William Levingstoun, portioner of Newbigging; and the Lords, in respect of the offence committed by the said George in "breking of the stokis of Hawik, and taking of the said Waltir, his father, furth thairof," ordain him to be warded in the tolbooth of Edinburgh for the space of eight days. George Scott committed to ward.

Commissions. 1607-1616. Fol. 13, a.

William Nisbett in Newtounleyis remaining unrelaxed from a horning of 30th September last, at the instance of Marioun Heslop, as relict, William Wauchop of Stottincleuch, James Wauchop of Kidcleuch, Johnne Wauchop in Nudrie-Marshall, and Archibald Wauchop, as brothers, of the late Gilbert Wauchop in Godiscroft, for not answering before the justice for the slaughter of said Gilbert, commission is given to the sheriff of Berwick, the Captains of the Guard and Garrison, Swyntoun of that Ilk, and Robert Sinclar of Locharmachus, to apprehend said rebel and bring him before the justice. Commission to apprehend William Nisbet, sued for slaughter.

Sederunts. Fol. 69, b.

The Lords modify £12 to be paid by Hector M^cClane of Dowart, Lauchlane M^cClane, his brother, and his three servants, presently in ward in the castle of Dunbartane, for their daily expenses while in ward in the said castle. They also modify £6 to be paid by Donnald Gorme of Slaitt and Allane M^cAllane M^cEane of Ylantyrum daily for their expenses in the castle of Blaknes,—*i.e.* £3 each per day. Expenses of MacLean of Duart and others while in ward.

Acta 1608-9. Page 212.

Edinburgh, 14th October.

In respect of the variance between Johnne, Earl of Cassillis, and James Kennedy of Culzeane, their kin and friends, on the one part, and Thomas Hay of Perk, and his friends, on the other part, there is order to charge both parties to subscribe such form of assurance as shall be presented to them, to endure till 1st January 1610, and to find surety for keeping of the same inviolate, the Earl of Cassillis under the pain of 10,000 merks, and James Kennedy and Thomas Hay under the pain of . They are to report the said assurances for registration within six days after the charge, under pain of rebellion. Charge to the Earl of Cassillis and Hay of Park to give mutual assurance.

Page 213.

Edinburgh, 15th October.

There being a "moist unkyndlie heit" between Lord Torphechin and Sir James Sandielandis of Slamannane, his uncle, both parties are to be charged to assure each other till 1st January 1610, and to appear before the Council on 27th instant to hear order taken with them for keeping the peace, under pain of rebellion. Charge to Lord Torphichen and Sir James Sandilands.

Edinburgh, 22nd October.

Some variance having lately fallen out between [Johnne] Cranstoun of Scaittisbus and [Thomas] Cokburne of Newhall, there is order to charge both parties to appear before the Council on 27th October instant, to underlie such order as shall be given to them for keeping the peace. Cranston and Cockburn.

Edinburgh, 27th October.

Sederunt—Chancellor; Lotheane; Bishop of Ros; Torphechin; Halyruidhous; Master of Lotheane; Master of Elphingstoun; Privy Seal; Justice Clerk; Advocate; Preistfeild; Sir Robert

Melvill; Sir Lues Craig; Mr Petir Rollok; Sir James Sandie- landis; Sir Johnne Arnot; Conservator. Acta 1608-9.

Warrant to apprehend William Tait and others for lying at the horn for debt.

Complaint by William Tait of Chirritreis, that Robert Tait in Stetchill, called of Bereris, William Tait, elder in Yettan, William Tait, younger, his son, called of Bereris, Stevin and William Taitis, sons of George Tait in Bereris, Thomas Tait, called the Tailor, David Tait, his brother, David and Robert Taitis, brothers of Thomas Tait of Holl, George Tait, called of the Boig, Gilbert Tait of Yettan, Stevin Tait, called The Good Man, David Tait, called Borgwell, having been put to the horn for not paying him their shares of 10 merks each for his weekly expenses during the space of his detention in England, remain still unrelaxed.—Charge had been given to the defenders, except Robert Tait in Stetchill and Gilbert Tait of Yettan, to answer; and now, the pursuer appearing, but none of the defenders, there is warrant to the Captain of the Guard to apprehend them, take their houses, and inventory their goods. Page 214. Page 215.

The Laird of Fairny to be apprehended for lying at the horn for debt.

Complaint by Margaret Menzies, spouse of Mr William Ostiane, doctor of medicine, and by the said doctor for his interest, that Williame Fairny of that Ilk, having been put to the horn on 30th August last for not paying them £100 as principal and £20 of expenses, remains unrelaxed.—Pursuers appearing by Archibald Douglas, defender, for not appearing, is to be apprehended by the Captain of the Guard. Page 216.

Charge to Cranston of Skaitsbus.

The diet for the appearance of Johnnie Cranstoun of Skaittisbus, in the matter of the trouble between him and Thomas Cokburne of Newhall (*ante*, p. 181), having been continued to 3rd November next, there is order to charge Cranstoun to appear the said day, under pain of rebellion, and in the meantime to observe the King's peace, under pain of 5000 merks.

Decree against Traill of Blebo and the Laird of Lochmalony for debt.

Complaint by Johnne Weymes in Saint Androis, and Cristeane Patirsoun, his spouse, that Johnne Traill of Blebo and Patrik Lochmalonie of that Ilk, having been put to the horn, on 18th January and 6th April last, for non-payment to them of 2500 merks, remain unrelaxed.— Page 217. Pursuers appearing by Thomas Weymes, defenders, not appearing, are to be apprehended, their houses taken, and their goods inventoried.

Decree against Fraser of Philorth and others for debt.

Complaint by Johnne Allerdyce of that Ilk, that Sir Alexander Fraser of Fraserburgh, and Alexander Phraser, apparent of Phillorth, as principals, and George Ogilbie of Carnuseis, Waltir Fraser, brother of the said Sir Alexander, Alexander Fraser of New Forrest, Johnne Leith, fiar of Harthill, and William Byrnie, burgess of Fraserburgh, as cautioners for them, having been put to the horn on 4th and 9th July last for non-payment to him of £5000, remain still unrelaxed; also that David Lindsay, fiar of Vane, having been put to the horn on 31st August for not paying him £200, with 1000 merks for his relief, remains unrelaxed.—Pursuer appearing by Archibald Douglas, defenders, for not appearing, are to be apprehended by the Captain of the Guard, and their goods inventoried. Page 218. Page 219.

Complaint by David Gairdin, younger of Dewchorne, as follows:—On

Acta 1608-9. 17th July last, George Stirk, younger in Bandane, armed with sword, gauntlet, and platesleeve, came, without cause, by way of hamesuckin at night, to the complainer's dwelling house in Dewchrone, where he was ready to go to bed, "with mony horrible and blasphemous aithis schoring and avowing to byrne the house about his luggis." The complainer having opened his door and "verie modestlie desyreit" the said Stirk to depart, Stirk had pursued him with a drawn sword, wounded him in divers parts of his body, and would have slain him if he had not found refuge in the house. Again, on 19th July last, Stirk, having been informed that the complainer was that day to repair to the grange of Balmerinoch, had come, accompanied by Johnne Duncane in Bandane, armed as above, and waylaid complainer on the high road, fiercely set upon him, and wounded him in the left arm.—Pursuer appearing by Alexander Mowat, and the defenders appearing personally, the Lords assoilzie the defenders, because the pursuer has failed in proving any point of his complaint.

George Stirk and John Duncan assoilzied from a charge of assault and hamesucken.

Page 220.

Page 221. Complaint by Williame Cuthill, tailor in Leith, his spouse, James Downie, boatman there, and Robert Orrok, son of Captain David Orrok, indweller in Leith, as follows:—On October, Johnne Meine, Barthill Meine, Patrik and William Menis, coopers in Leith, armed with swords, gauntlets, and platesleeves, came at 12 hours in the day to Cuthill's house in Leith for his slaughter, and reft furth thereof certain of his goods. The same day at even, accompanied by James Adingstoun (Adiesoun), servitor to Johnne Meine, elder, William Broun, servitor to Meine, cooper, and Andro Nicolsoun, timberman, with others, all armed as above, they came by way of hamesucken to Cuthill's house, where he, his said spouse, and said William Downie, were at supper, and there pursued them for their lives, wounding Downie and Cuthill's spouse in their heads and leaving them for dead on the floor. They would have slain Cuthill himself "wer not be the providence of God he laip within a chalmer and forceablie keipit the same for saulftie of his lyff." Farther, the said Robert Orrok having that night occasion to repair furth of his said father's house for convoy of his father home from Robert Fluickair's house in Leith, where he had supped, the said persons pursued him of his life, gave him three deadly strokes on the head, "and fra the middle fingair of his left hand to the schaikle bone thereof hes clovin his said hand."—Cuthill appearing for himself and his spouse, and James Downy and Robert Orrok appearing by Captain David Orrok, and the defenders, except Patrik Menie and Androw Nicolsoun, appearing personally, the Lords ordain the absent defenders to be denounced rebels.

Patrick Meine and Andrew Nicholson to be denounced for not answering to a charge of assault.

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Page 223.

Complaint by Captain William Rig, as follows:—Upon 1st October instant, "efter this lait expeditioun of the Yllis," complainer "being accumpaneing and attending his Majesteis Lieutennent in his repairing frome the saidis Yllis toward the Lordis of his Heynes Secrite Counsale, and his Majesteis handsenzie, quhilk wes deliverit to the said complenair be his Heynes said Lieutennent at his imployment in that service, being than, at the said complenairis directioun, in the keiping of William

Captain William Reid against Andrew Home and Jonet Wauchop for assault and detention of property.

Ramsay, his servand," Andro Home, who had been "servand to the said complenair over his company in this his imployment," came to the said complainer's said other servant, William Ramsay, in Glasgow, "and violentlie and perforce reft and awaytuke from him his Majesteis said handsenzie, [and] pat up the same in his poutcheis." The complainer having divers times desired Home to "rander and deliver the same," Home, on the 15th October instant, had "come to the said complenairis chalmer within the burgh of Edinburgh," where, "craftelie, undir pretext of freindschip, and upoun promeis to deliver to the said complenair the said handsenzie, he tranit him furth of his said chalmer to Jonet Wauchopis in the Cannogait, and thair eirnistlie invitit the said complenair to have dynit with him." Complainer having gone to the said house, "the said Jonet tuke away his cloik and his sword frome him"; and, when he had "dynit and payit for him and sex of his freindis quha wer with him for the tyme," he had asked Home to give him the handsenzie. Home, however, "not onlie refuisit to deliver the same to him, bot thairwithall he, accumpaneit with his saidis friendis, pat violent handis in the said complenair, tuke him captive, and keipit and detenit him as presoner fra twelf houris that day to fyve houris at nycht, unto the bailleis of the said burgh come and relevit him; and, before thay sufferit the said complenair come furth of the said house, they and the said Jonet Wauchop violentlie reft from him his cloik and his sword, quhilkis togidder with the said handsenzie is in hir keiping and custodie."—Pursuer appearing, but neither of the defenders, the order is to denounce them rebels. Acta 1608-9. Page 224.

Decree against Lord Ogilvy for debt.

Complaint by William Maull, merchant, burgess of Edinburgh, against James, Lord Ogilvy, for remaining unrelaxed from a horning of 31st May last for not paying pursuer £827, with the bygone duties of the lands mentioned in the letters of horning, and for not fulfilling the other clauses of a contract between them of date 5th and 19th November 1591.—Pursuer appearing by Archibald Douglas, defender, for not appearing, is to be apprehended by the Captain of the Guard. Page 225.

Falconer of Halkerton against Keith of Wodston.

Complaint by Alexander Falconer of Halkertoun against Mr James Keith of Wodstoun for remaining unrelaxed from a horning of 28th September last for not redeeming from pursuer the lands of Drummeis, Easter and Wester Muresydis, the ward of Drummes, Craigend, Stanebrigis, and Quhytmyre, lying within the parish of Brechin, by payment of 12,000 merks; also for not paying complainer 10 merks as price of 16 score 16 bolls of victual, being the ferms of the said lands for the year 1607; also for not paying him £2000 as penalty, and for not fulfilling all the other clauses of a contract between complainer and Keith and certain others, dated 13th, 14th, 18th, and 22nd June 1605.—Pursuer appearing by Archibald Dowglas, defender, not appearing, is to be apprehended by the Captain of the Guard. Page 226.

Edward Sinclair against Gordon of Earlston.

Action by Edward Sinclair in Larbrek against Johnne Gordoun of Erlistoun for remaining unrelaxed from a horning of 30th April last for not entering pursuer in the possession of the merkland of Ardoch and not

Acta 1608–9. Page 227.

removing himself therefrom; also for not paying pursuer the profits of the said lands or else the prices thereof, with the sum of £12 of expenses and collector silver.—Pursuer appearing by William Sinclair, defender, not appearing, is to be apprehended by the Captain of the Guard.

Andrew Dalrymple against the Lieutenant of the Guard for wrongous imprisonment. Decree for the defender.

Complaint by Andro Dalrumple, that in September last he had been committed to ward in the tolbooth of Edinburgh at the instance of Sir Robert Hepburne, lieutenant of the guard, and Thomas Meggat, one of the said Guard, for alleged intromission with a horse belonging to Meggat while they were in pursuit of certain rebels in the west (*ante*, p. 165). Complainer has been in the said ward ever since "maist miserablie, baith destitute of bed, meit, and drink, being ane puir boy, and haveing na moyan to sustene himself in waird." Farther, he is innocent of the said crime, as God knows, and as he has declared to the Council.—Charge had been given to Hepburne to answer; and now, he and pursuer appearing, the Lords ordain the pursuer to be detained in the said ward at his own expense till he make redress to Meggat.

Page 228.

Commissions. 1607–1616. Fol. 13, b.

Licence to Sir David Wood to go abroad.

Licence, signed by the Chancellor, the Earl of Lotheane, and Lord Halyruidhous, to Sir David Wood of Craig to go to England or beyond sea for his lawful affairs, and to remain absent for seven years from the date hereof.

Sederunts. Fol. 70, a.

Earl of Argyle and Allaster MacLeod.

The Lords, having seen the letter from the Earl of Ergyle containing the Earl of Mar's refusal to receive in ward, in the castle of Striviling, Allaster M^{c}Cleud, and having considered the said Earl of Ergyll's own desire to have the keeping of the said Allaster, ordain letters to be sent to Ergyle requesting him to keep Allaster, and to have him ready for entry before the Council when required.

Licence to intercommune with the Earl of Angus.

The Lords having, on petition given in by the Earl of Angus, craving liberty for his servants to confer with him notwithstanding the excommunication led against him, ordained David, Bishop of Ross, now present, to acquaint the presbytery of Edinburgh with this petition, and to crave their opinion thereanent, the Bishop reports to the Council that he had conferred with the presbytery, and that they had ordained the said Bishop and Mr Johnne Hall to give licence to such persons as the Earl should give in note to them.

Elphinstone.

Licence to the Lord Elphinstoun to go to Court.

Fol. 70, b.

Ker of Fernihirst and Turnbull of Minto.

The Lords assign the 3rd November next to the young Laird of Pharnihirst and to the Laird of Mynto Turnbull, who are both present, to report their assurances, and command that the former's assurance be subscribed by the old and young Lairds.

The Lord of Torthorwall and the Laird of Blaikwode are found to be responsible cautioners either for the Earl of Angus's entry in ward or for his departure furth of the realm.

Acta 1608–9. Page 228.

Edinburgh, 1st November.

Sederunt—Chancellor; Halyruidhouse; Master of Elphinstoun; Privy Seal; Advocate; Collector; Clerk of Register; Sir Lues Craig; Foistersait; Sir Johnne Arnote; Sir James Sandielandis.

Charge to Lord Garlies and Vaus of Barnbarroch for keeping the peace.

There having been of late "some grite insolenceis" between Alexander, Lord Gairleis, and Sir Johnne Vaus of Longcastell, who have not only unlawfully convocated the lieges, but carried hagbuts and pistolets in their companies, of purpose to prosecute their revenge against each other, there is order to charge both to answer before the Council on instant, under pain of rebellion, and to keep the King's peace till then, under pain of £5000. Acta 1608-9. Page 229.

Charge to the Earls of Caithness and Orkney for keeping the peace.

Understanding that "some grite trouble" is likely to fall out between George, Earl of Caithnes, and Patrik, Earl of Orknay, the Lords ordain both, under pain of rebellion, to subscribe, within twenty-four hours after being charged, such form of assurance as shall be presented to them, to endure till 1st January 1610, and to find caution for keeping the same inviolate, under pain of 10,000 merks. Page 230.

Commission to apprehend Robert Napier, sued for abduction.

As Robert Naper, son of William Naper of Wrichtishoussis, remains as yet at the horn, to which he had been put on 4th and 29th October last by Sir Thomas Hammiltoun and William Turnbull of Airdrie for not appearing and presenting before the Council Elizabeth Turnbull, daughter of the said William, and to answer for "convoying" her, a bairn of eleven years age, furth of her father's house in Edinburgh, and keeping her in some obscure parts of the said town, commission, signed by the Chancellor, Lord Halyruidhouse, and R. Cokburne, is given to the Captains of the Guard and Garrison, and to the sheriff of Roxburgh, to apprehend the said Naper and to enter him before the justice. Commissions, 1607–1616. Fol. 14, a.

Warding of Huntly and Errol.

Letters to be written to the Captains of Striviling and Dunbartane Castles, to ascertain if the Marquis of Huntly be entered in his ward in the former castle and the Earl of Errole in the latter castle. Sederunts, Fol. 70, b.

Robert Menteith.

Answer to be made to his Majesty's letter anent Robert Menteith.

Caution for the Earl of Angus.

Sir Johnne Arnott of Birsay presents an obligation bearing that James Lord Torthorwall and Alexander Douglas of Maynes had become cautioners for the Earl of Angus that he should go abroad conform to the charge executed against him. The Lords find the cautioners to be sufficient. Fol. 71, a.

Edinburgh, 3rd November.[1]

Sederunt.—Chancellor; Lotheane; Bishop of Ros; Torphechin; Halyruidhouse; Master of Lotheane; Master of Elphinstoun; Privy Seal; Justice Clerk; Advocate; Collector; Quhittinghame; Edzell; Sir Lues Craig; Foistersait; Sir Johnne Arnote. Acta 1608-9. Page 230.

[1] The great business of Lord Balmerino (*ante*, footnote pp. 166–7 and footnote p. 171), had by this time come to an important point:—After his first conferences with the King at Royston, he had been ordered to go to London, there to be in a kind of custody, in the midst of English and Scottish Councillors. Having had interviews with these, more particularly with the Earl of Dunbar and Lord Balfour of Burley, and having received farther communications from the King through them (see the details in Calderwood, vi. 791–800), he had come to the conclusion that it would be safest and best for him to take upon himself the whole blame of the detected correspondence with Pope Clement in 1598, exonerating the King absolutely, and submitting to any humiliation or form of trial that might be necessary to give public effect to that exoneration. Accordingly, in a letter to the King on the 24th of October, he had reduced his offered confession to writing. In substance it was that, having been very anxious, along with others of the Scottish Councillors of

Acta 1608-9. Complaint by Sir Thomas Hammiltoun of Bynnie, for the King's interest, and by Robert Herreis, servitor to Sir Robert Maxwell of Sweithairt, against Mr Johnne Thomesoun, sometime minister and vicar at Or, to the effect that, upoun 11th September last, being Sunday, the holy Sabbath, he came at night, armed with a hagbut, pistolet, plate bonnet, platesleeves, and a sword, to the dwelling-house of Jonet Haistie in Terreglis Mains, the said Robert with certain other honest men being there at supper, and there without cause pursued him with a hagbut, and discharged a pistolet at him, and would have slain him if the same had not miscarried; whereupon, the "effray and clamour arryseing be uther nychtbouris," they "red the said Mr Johnne frome the said Robert, and tuk him reid hand with the said hagbute and pistollet, and than tuk the samyn frome him." Page 231. Page 232. —Pursuers appearing, but not defender, the order is to denounce him rebel.

Robert Herries against Mr John Thomson for shooting at him.

Complaint by David Maxwell of Treifgrange, James, Thomas, Johnne, and Donnald M°Gownis there, and Johnne Ahanna there, against Johnne Chairterhous in Nethir Trae, (1) touching his wounding of the said David while "gangand at his awne harrowis" in March last; (2) touching his chasing of said James M°Gowne to the water of Dee, so that M°Gowne would have been slain if he had not escaped in a fisher boat; (3) touching his invasion of the other pursuers with drawn swords.—Maxwell appearing for himself and the other pursuers, and defender being also present, the Page 233. Lords assoilzie defender, because the pursuers have failed in proof.

David Maxwell and others against John Charteris for oppression. Decree of absolvitor.

Complaint by Johne Hammiltoun in Hallis, William Young in Teilhill, James Young, his son, Johnne Young in Maynis, and the other tenants of the twenty pound land of Glengevill, against James Hammiltoun of Evindaill, Hew Hammiltoun, his uncle, William Hammiltoun, his page, William Murray, Mathew Hammiltoun, officer, James Robesoun, Thomas Michell, and Andro Willok, servitors to the said Laird of Evindaill, for having come, with convocation of the lieges, on October last, to the lands of Glengavill and reft from complainers 40 kye and 40 sheep, and further for having come almost every night since then to the complainers' dwelling houses and searched for them of purpose to bereave them of their lives.—Charge had been given to the first three defenders to answer; Page 234. and now, the first two pursuers appearing, but none of the said three defenders, these last are to be denounced rebels.

John Hamilton and others against Hamilton of Avondale and others for spuilzie and oppression.

1598, to establish a friendly correspondence with the Pope in his Majesty's interest, and having in vain urged the King to permit a letter to be sent to the Pope,—his Majesty specially objecting to the titles by which it would be necessary to address the Pope in such a letter,—he had himself caused a Latin letter to the Pope to be drawn up by his kinsman Sir Edward Drummond; which letter, with others addressed to the Dukes of Florence and Savoy and some Cardinals respecting the promotion of the Bishop of Vaison, he had put before his Majesty one morning when his Majesty was in haste to go out hunting, thus securing his Majesty's signature to it unawares, and then leaving Sir Edward Drummond to fill in the necessary "*Beatissime Pater*" at the beginning and the phrase "*Beatitudinis Vestræ obsequentissimus filius*" between the letter and the signature at the end. For this offence, so confessed in writing in the most abject terms, Balmerino, on the 3rd of November, submitted himself, by another formal document, to what was known in Scottish law as "coming in the King's will." So the business stood at our present date.

Robert Bauchop and spouse against Sir Andrew Balfour and others for debt.

Action by Robert Bauchop, merchant, burgess of Edinburgh, and Jonet Abirnethy, his spouse, against Sir Andro Balfoure of Monquhany, William Leirmonth of Dairsie, and Thomas Leirmonth, burgess of Saint Androis, for lying unrelaxed from a horning of 31st August for not paying pursuers 500 merks as principal and 100 merks as expenses.—Pursuers appearing by Archibald Dowglas, defenders, not appearing, are to be apprehended by the Captain of the Guard. Acta 1608-9. Page 235.

Mr James Watson against Alexander Pennycuik and George Small for assault.

Complaint by Mr James Watsoun, portioner of Sauchtoun, as follows:—On the 24th of October last, in violation of the Act of Secret Council against assault within the burgh of Edinburgh or a mile of the said Council (vol. vii. p. 401), Alexander Pennycuke, son of the late Pennycuk of that Ilk, already guilty of "mony blodschedis and oppin insolenceis," came at six hours at even, accompanied by George Smaill, indweller of the said burgh, both being armed with swords, gauntlets, and platesleeves, to the pursuer in the Cowgait, "he being than lopping on his horse, going a gaitward hame to his awne house in Sauchtoun," and there fiercely set upon him with drawn swords, gave him a "grite stryk" in the head, "cuttit of the knop of his left elbow," and wounded him in the left arm. Further, as pursuer had repaired to the "barbouris for pauseing of his saidis woundis," followed by his servant, Pennycuke put violent hands on the said servant, and would have slain him if he had not escaped.—Pursuer and Small appearing personally, the Lords assoilzie Small, but order Pennycuke to be denounced for non-compearance. Page 236.

Mr Archibald Douglas and others against the town of Peebles in a matter of caution.

Complaint by Mr Archibald Dowglas, parson of Peblis, Mr Johnne Dowglas, his son, James Ellot, his sister's son, Stevin, William, and Johnne Robesonis in Escheillis, James Horsburgh there, Adam and Johnne Winterhoipis there, James Newtoun, and Thomas Smyth, that they are charged at the instance of the provost, bailies, and council of Peblis, to find caution for their indemnity, the said Mr Archibald and his son in £1000 each and the others in 500 merks each, under pain of rebellion. The said sums are far above those prescribed by the Act of Parliament, the said parson having no rent or living but his stipend, and his said son having only what his father allows him, and the other complainers being but poor labourers of the ground, none of them worth 100 merks of free gear. As they have nevertheless found caution as charged, the letters of horning should be suspended.—Charge had been given to Johnne Bullo and Mathew Hay, bailies, to answer; and now, pursuers appearing by James Newtoun, and defenders by Mr William Hay, the Lords ordain the caution found by the first three complainers to stand, but modify the pains found by the other pursuers to £100 each. Page 237. Page 238.

Captain of the garrison against the bailies of Jedburgh. Decree against the defenders.

Conform to the commission granted to Sir William Cranstoun, captain of his Majesty's garrison, to apprehend all malefactors within the late Marches, he had apprehended Hew Batisone of the Burne for a recent murder, and had sent him to the burgh of Jedburgh, hoping that the bailies thereof, according to the custom observed within burgh, would put him in custody within their tolbooth. They, however, have refused to do

Acta 1608-9. Page 239.

so.—Charge had been given to Mr Johnne Rutherfurd, Adam Rutherfurd, Johne Aliesone, and George Moscrop, bailies, to answer; and now, Cranstoun appearing, and the said Mr Johnne being also present, for himself and the other defenders, the Lords ordain the bailies of Jedburgh to receive from the pursuer all such persons as he shall present to them, and to keep them in ward in their tolbooth at their own expenses.

Sederunts. Fol. 71, a.

The Lords find Hary Wode of Bonnytoun to be a sufficient cautioner in 10,000 merks for the Laird of Edzell, that his son or his son's accomplices, who are at the horn for the slaughter of Lord Spynie, shall not be resetted in the place of Edzell. Lindsay, younger of Edzell.

The letter written to his Majesty in favour of Robert Menteith is to be delivered to the said Robert, that he may carry it to his Highness. Robert Monteith.

Licence to James Douglas, son of the Earl of Angus, to go abroad. James Douglas.

Letters to be written to the Earl of Mar and the Constable of Dunbartane to ascertain whether the Marquis of Huntly and Earl of Errole be entered in their wards. Huntly and Errol.

Commissions, 1607–1616. Fol. 15, a.

William Murray, bower in Dornoche, Hutcheoun M°Phaill, brother of the late Thomas M°Phaill, citizen in Dornoche, Johne M°Phaill, son natural of said Thomas, and Alexander Poilsone, his servant, remaining as yet unrelaxed from a horning of 1st October last, at the instance of Margaret Gordoun, relict, Gilbert Pape, son, Barbara Pape, daughter, Mr William Pape, minister at Dornoche, and Thomas Pape, minister at Kilmalie, brothers, of late Charlis Pape, portioner of Mekle Reny, for not finding caution to answer on 2nd December next before the justice for the wounding of the said ministers and for murdering the said Charlis, commission, signed by the Chancellor, the Earl of Louthiane, and Lord Halieruidhouse, is given to George, Earl of Caithnes, within the bounds of Caithnes, to Johnne, Earl of Sutherland, Hucheoun M°Ky of Far, and Johnne Gordoun of Gospitour, within the bounds of Sutherland, to Johnne Urquhart of Cromartie, within the bounds of Cromartie, and to Johnne Monro, Tutor of Foulis, and William Ros of Innerchadoun, within the bounds of Ros, to apprehend the said rebels, put them to the knowledge of an assize, and administer justice on them accordingly. Commission to apprehend William Murray and others, sued for slaughter.

Sederunts. Fol. 71, a.

Sederunt—Chancellor; Abircorne; Lotheane; Bishop of Ros; Haliruidhous; Master of Lotheane; Privy Seal; Tungland; Edzell; Advocate; Collector; Mr Petir Rollok; Sir Alexander Drummond; Sir Johnne Arnott. Edinburgh, 8th November.

Acta 1608-9. Page 243.

Albeit his Majesty, "upoun divers good considerationis," had sent express command to the magistrates of Hadingtoun to choose "some trafficquing burges" as their provost for this year, they have not only "maid no electioun at all," but, "by thair answer to his Majestie, hes presomed to gif unto his Majestie thair advise and opinioun in that mater." There is therefore order to charge the provost, bailies, and council of the said burgh, and others having vote in the election of the magistrates thereof Charge to the burgh of Haddington as to the choice of a provost.

this year, to obey the said command, or else to enter in ward in the castle of Blaknes, within six days after being charged, under pain of rebellion.—Connect with Royal Letter of 27th October 1608. Acta 1608–9.

Charge to John Borthwick and Bernard Lindsay to answer for alleged rape.

On complaint from the presbytery of Dalkeith that in September last "a moist vyld and detestable fact" had been committed by Johnne Borthuik in Caringtoun and Barnard Lindsay in Caringtoun-mill, by their "moist schamefull and violent forceing of Jonet Corsar in Dalhoussy and Jonet Wadie thair, tua poore domosellis, undir cloud and silence of nycht, as thay wer comeing fra schering and gaddering of cornis," there is order to charge Borthuik and Lindsay to answer before the Council on 17th instant, and also to charge Mr Samuell Cokburne of Temple, and Henry Wauchop, his servant, to appear the same day as witnesses in the said matter, under pain of rebellion. Page 244.

Huntly and Errol.

The Earl of Mar and the Constable of Dunbartane report that the Marquis of Huntly and the Burghs of Earl of Errole have entered in their wards (*ante*, p. 189). Sederunts. Fol. 71, b.

Burghs of Edinburgh and Hadington.

Letter to be written to his Majesty containing an answer to his two letters, the one anent Edinburgh and the other anent Hadingtoun.—See *infra* among the *Royal and Other Letters.*

Edinburgh, 10th November.[1]

Sederunt—Chancellor; Wyntoun; Abircorne; Saltoun; Torphechin; Bishop of Ros; Bishop of Orknay; Master of Lotheane; Master of Elphinstoun; Privy Seal; Justice Clerk; Quhittinghame; Advocate; Collector; Preistfeild; Logy; Sir Alexander Drummond; Sir Johne Arnot; Foistersait. Acta 1608 9. Page 244.

Mr Patrick Linsday against Patrick Guthrie for debt.

Action by Mr Patrik Lindsay of Kirktoun against Patrik Guthrie of Auchmuthie for remaining unrelaxed from a horning of 18th August last

[1] On the preceding day, 9th November 1608, there had died no less notable a personage of the Scottish realm than the Earl of Montrose, the predecessor of Dunfermline in the Chancellorship, and for the last few years honorary representative of his Majesty in Scotland on all great state-occasions, with the title of Lord High Commissioner. Long and varied as had been his political career,—dating, in fact, from as far back as vol. iii. of this Register,—he was but in his sixty-first year at the time of his death. —From this point, it will be understood, the "Earl of Montrose" in these pages is not this John Graham, the 3rd Earl, but his son and successor, John Graham, the 4th Earl, who had married a daughter of William Ruthven, 1st Earl of Gowrie (sister of the two young brothers of the Gowrie Conspiracy), and one of whose children by this marriage was to be James Graham, the 5th Earl and great Marquis of Montrose.—As about contemporaneous with this death of ex-Chancellor Montrose, may be noticed here an incident in the life of the actual Chancellor Dunfermline. Among the offices borne by this eminent statesman had been, for the last nine years, the Provostship of Edinburgh. For some reason or other, probably on account of the reputed identity of interests between the Chancellor and Secretary Balmerino, the King did not desire the continuation of Dunfermline in this office of the Provostship, and had written to the Town Council to that effect. In the recent October election, however, the town had chosen Dunfermline to be their Provost for another term, pleading that they did so "out of necessity for advancement of his Majesty's service." At this the King was extremely incensed; and, to pacify him, matters had to be set right by a new election on the 15th of the present month, when Treasurer-depute Sir John Arnot was installed in the civic office,—of course, with Chancellor Dunfermline's "good will and consent." See Balfour's *Annales*, vol. ii. 48, and Calderwood, vi. 819.

Acta 1608–9. for not paying him 500 merks as principal, £100 of expenses, and the annualrent due.—Pursuer appearing by Archibald Douglas, defender, not
Page 245. appearing, is to be apprehended by the Captain of the Guard.

Thomas Trusty against George Barron and Kirkcaldy of Grange for debt.

Action by Thomas Trustrie, servitor to Mark, Earl of Lowthiane, against George Barroun of Kynnaird and William Kirkcaldy of Grange, for remaining unrelaxed from hornings of 14th and 15th September last for not paying him 1000 merks as principal, with the annual thereof since Whitsunday 1607, and £100 for expenses.—Pursuer appearing, defenders,
Page 246. not appearing, are to be apprehended by the Captain of the Guard.

Frances Wandon against the Lord of Melrose for debt.

Action by Francis Wandone, relict of Eustatius Rollok, against James Douglas, commendator of Melrois, for remaining unrelaxed from a horning of 8th August last for not paying her £140, 16s. 5d. as principal and £40 of expenses.—Pursuer appearing by Archibald Douglas, defender, not
Page 247. appearing, is to be apprehended.

The provost and bailies of Glasgow against Robert MacGill for riot.

Complaint by Johnne Houstoun of that Ilk, provost, Mathew Turnble, James Inglis, and James Braidwood, bailies of Glasgow, as follows:—Thomas Patirsone in the said city, having been committed to ward on the 5th September by the direction of the complainers, broke his ward on 6th September. The said Inglis having therefore, on 27th September, apprehended him on the high calsay of the said burgh, and commanded him to re-enter in ward, Robert M°Gill, son of Mr Samuell M°Gill, indweller of the said city, armed with platesleeves and a dagger, took Patirsone off his hand, upbraided him, calling him a "skybill and deboshit swingeour," and pursued him with a dagger, avowing to "stryk him throw the cheikis
Page 248. in cais he pressit to caus waird the said Thomas."—Inglis and Braidwood appearing for the pursuers, but the said Robert M°Gill failing to appear, the Lords find the complaint proven against him, and therefore ordain letters charging him to enter in ward in the tolbooth of Edinburgh within six days after the charge, under pain of rebellion.

Alexander MacLeod.

Sederunts. Fol. 71, b. Mr Alexander Colvill, in name of the Earl of Ergyll, enters before the Council Alexander M°Cleud, brother of Rory M°Cleud of Dunveggane, and the said Alexander is committed to ward in the tolbooth of Edinburgh.

15th November.

Sederunt—Chancellor; Abircorne; Perth; Haliruidhous; Master of Elphinstoun; Bishop of Ros; Privy Seal; Justice Clerk; Quhittinghame; Advocate; Logy; Collector; Sir Lues Craig; Fostersait; Sir Johnne Arnott.

Ker of Fernihirst and Turnbull of Minto.

A deliverance passed in favour of Pharnihirst, declaring that during the time of the assurance taken by the Council between him and the Laird of Mynto the other assurance taken by the Commissioners shall cease.

Edinburgh, 17th November.[1]

Acta 1608–9. Page 248. *Sederunt*—Chancellor; Bishop of Sanctandrois; Cassillis; Wyntoun; Home; Perth; Lotheane; Bishop of Ros; Bishop of Orkney;

[1] The extraordinary Balmerino business (*ante*, footnotes, p. 166, p. 171, and p. 186) had by this time passed through another stage:—Having made his written confession,

Bishop of Brechin; Master of Lotheane; Master of Elphinstoun; Torphechin; Halyruidhouse; Bugcleuch; Privy Seal; Justice Clerk; Advocate; Collector; Quhittinghame; Tungland; Sir Lues Craig; Foistersait; Sir Johnne Arnot. Acta 1608-9.

James Brown against Hew Cunningham for reif.

Complaint by James Broun, servitor to James, Earl of Glencairne, that on 14th September last Hew Cunynghame, brother of Alexander Cunynghame of Tourland, at the instigation of the said Alexander, came to the lands of Southnik and masterfully reft from complainer a horse worth 100 merks.—Charge had been given to the said Alexander and Hew to answer; and now, pursuer appearing, defenders, for not appearing, are to be denounced rebels. Page 249.

Bernard Stewart against Sir Robert Grahame for debt.

Action by Bernard Stewart in Hairschaw against Sir Robert Grahame of Scottistoun for remaining unrelaxed from a horning of 28th October last for not paying pursuer 250 merks as principal and £20 as expenses.—

exonerating the King in the matter of the letter to the Pope in 1598, and taking the whole blame of that letter upon himself, and having gone through the form of "coming in the King's will" for that offence, Balmerino had hoped that the affair would be wound up by some temporary disgrace, of a not quite unendurable nature, to be inflicted on him by his Majesty. It had been resolved, however, to wring from him still more abject admissions of his guilt, such as might be used with advantage in any answer his Majesty might publish to the recent impeachment of his Protestantism by Cardinal Bellarmine or Matthæus Tortus; and, with this view, and in anticipation of a meeting of the English Privy Council on the 13th of November,—at which Balmerino was, by his Majesty's warrant, to be degraded from his membership of that body,—he had been required to strengthen his confession in various points, so as to bring his acknowledged offence within the category of the meanest and rankest treason. A crushed worm will turn; and Balmerino's own narrative of what passed between the 3rd of November and the 13th, —see it in Calderwood, vi. 800–803,—shows how he struggled against the new humiliations imposed upon him, and with what reluctance he acquiesced in the representations of the Earl of Dunbar, the English Lord Salisbury, and others, that these humiliations were matters of mere form, and that, having "pleased his Majesty" so far, he ought not to stand on trifles. These counsels, he tells us, prevailed; and, on Sunday the 13th November, when the English Privy Council did meet, with a great assemblage of judges and of English and Scottish noblemen besides, to hear his Majesty's warrant read declaring that Lord Balmerino "should no more be of that board," Balmerino had schooled himself, he tells us, to the patience and silence expected. After the English Lord Chancellor Ellesmere, and the English Lord Treasurer Salisbury, and the English Lord Privy Seal Northampton had made their grave speeches, dilating on the enormity of his crime, but referring the trial of it to the law and courts of Scotland, Balmerino,—instead of making that defence which he afterwards committed to writing, heading it "*This, or neere to this, I would have answered for my owne justificatioun, if that, by three severall commandements from the Erle of Dumbar, I had not been desired to the contrarie,*"—delivered actually the speech of which he has left us a copie, under the title "*Copie of the speeche which I spake indeid.*" Among the sentences are these:—"When I looke unto his Majesties innumerable favours bestowed upon me, having raised my fortunes (most miserable and unworthie wretche) far above my merit, and my foule abuse of his Majesties trust, which has brought this false imputation upon his Majesties unspotted innocence, I thinke there is nothing in me sufficient to amend the same. And therefore I find no other end of my sorrow but, with the forlorne son, to say to his most sacred Majestie *Peccavi in cælum et in terram.* My offence is so great that it cannot be pardouned; I am not worthie to be reckoned anie more amongst his creatures or subjects." Balmerino, it might seem, was now in the lowest depth a human being could reach. But a lower depth still remained for him. He was to be sent to Scotland, to "please his Majesty" farther by undergoing the semblance of a trial for his treason.

Acta 1608-9. Page 250. Pursuer appearing, defender, not appearing, is to be apprehended by the Captain of the Guard.

Nathaniel Gerod against Mistress Margaret Lindsay for debt.

Action by Nathaniell Gerod, merchant in London, against Mistress Margaret Lindsay, executrix of the late Alexander, Lord of Spynie, her father, for remaining unrelaxed from a horning of 22nd and 24th October last for not paying him £330 specified in a decree obtained before the Page 251. Council and Session on 7th January last.—Pursuer appearing by Alexander Dik, defender, not appearing, is to be apprehended by the Captain of the Guard.

James Kininmonth against George Martin for debt.

Action by James Kynnynmonth of Little Raith against George Mertene of Cardoun for remaining unrelaxed from a horning of 30th September last for not paying him 530 merks as principal and £40 of Page 252. expenses.—Pursuer appearing by Donald Cunnynghame, defender, not appearing, is to be apprehended.

Presbytery of Wigtown against Andrew Hannay.

Mr David Pollok, minister at Glenluce, appears for himself and the presbytery of Wigtown, and gives in a copy of the letters of suspension raised by Andro Hannay in Dergollis, charging the said ministry to produce before the Council the process raised by them against him for alleged adultery with Marioun Clugistoun, with a view to the discharge of the said ministers from proceding to the sentence of excommunication against him. In respect of the absence of Hannay, Pollok protests that Page 253. the presbytery shall be at liberty to proceed; and the Lords admit the protest.

John Ferguson of Craigdarroch and his sons against Robert MacGhie and others.

Complaint by Johnne Fergusone of Craigdarroch, Robert Fergusoun, younger of Craigdarroch, and Thomas Fergusone, son of the said Johnne, that they are charged, under pain of horning, at the instance of Adam Menzeis of Enoch, Robert M°Ghie, Petir Patirsone, Patrik Broun in the Mains of Enoch, Johnne Rattray, Duncane Wilsoun, David Lawsone and James Roy, servitors to the said Adam, and Thomas M°Ghie in the town of Enoch, to find caution for their indemnity, each in £1000 (*ante*, p. 178). As the said sums are exorbitant (the said Johnne being only a gentleman of small rent and holding his lands in feu, and his said sons but two young gentlemen without any rent), and as nevertheless complainers have found Page 254. caution as charged, the said horning should be suspended.—Thomas Fergusoun appearing for himself and the other pursuers, but none of the defenders appearing, the Lords do suspend the horning, and modify the £1000 each to 1000 merks each.

Alexander Baillie against James Hamilton for assault.

Complaint by Alexander Baillie in Hinsha, that on 22nd July last, while he was repairing from the burgh of Lanrik to his house in Hinsha, James Hammiltoun of Sherefhall, "upoun a deidlie haitrent and malice Page 255. consavit be him aganis the said complenair," fiercely assaulted him with a sword and "gaif him a deidlie stryk thairwith in the heid."—Pursuer appearing personally, defender, not appearing, is to be denounced rebel.

Charge to Lord Garlies and Vaus of Barnbarroch to enter in ward.

Alexander, Lord of Garleis, and Sir Johnne Vaus of Langcastell, appearing as charged (*ante*, p. 186), and Sir Thomas Hammiltoun, advocate, Page 256. and Sir Johnne Arnot, treasurer-depute, being also present for the King's

interest, the Lords ordain Garleis and Vaus to enter in ward in the Castle of Edinburgh, within twenty-four hours after being charged, under pain of horning, and to remain there till they satisfy the Treasurer for having borne pistolets, and till they give assurances *hinc inde*, Garlies in 10,000 merks and Vaus in 6000 merks, Garleis having admitted the bearing of pistolets, though he denies the convocation in arms, and Vaus having confessed to both charges. Acta 1608-9.

James Groser against Mr William Kellie and Mr George Nisbet, claiming to be released from ward.

James Groser in Godiscroft prays that, as he has found caution to underlie the laws for alleged art and part in the slaughter of Thomas Richesoun in Cokburnespeth, and has been relaxed from his horning on that account, he may be liberated from the tolbooth of Edinburgh.—Charge had been given to Mr William Kellie, writer, and Mr George Nesbit, schoolmaster of Musselburgh, to answer; and now, pursuer appearing by Page 257.

Wauchop, and the defenders personally, the Lords ordain them to pursue Groser for the crime foresaid within twenty days, with certification that, if they fail, he shall be put to liberty on caution in 100 merks to appear before the justice when charged. Page 258.

Presbytery of St Andrews against Wood of Largo anent the seat in the kirk of Largo removed by him.

Complaint by the moderator and brethren of the presbytery of Saint Androis, as follows:—Andro Wood, apparent of Largo, alleging that the Lords of Secret Council have given a decree ordaining them to remove a seat erected by Umphra and James Lundyis in the kirk of Largo and to place it in some other part of the kirk, has obtained letters charging them to remove the said seat, under pain of horning. Now, the said Andro having "moist insolentlie" broken and removed the said seat, and thereby given great occasion of trouble in that parish, so that the "ordinarie exercise of the Word and ministratioun of the Halie Sacramentis" had been stayed divers months within that kirk, the complainers, finding the matter to belong to their judicature, had convened both parties before them long before the matter was presented to the Council, had found the "insolence foresaid" clearly proved againt Wood, and had therefore ordained him to repair the said seat and set it of new in the place where it now stands (*ante*, p. 153). They plead (1) that, this sentence standing Page 259. yet in full force and having never been questioned before any judge, they cannot undo what they have advisedly and deliberately done; (2) that they were never called at the giving of the said Lords' decree; (3) that the execution of civil decrees is not competent to the complainers, but by the law of all nations persons of their function and calling are "frie of all suche servile officis," the executors thereof being the ordinary officers of the law. As complainers have nevertheless found caution to obey the said Lords' decree in case it be found that they ought, the said horning ought to be suspended simpliciter.—George, Archbishop of Saint Androis, Page 260. moderator of the presbytery, appearing for himself and for the other pursuers, and the defender appearing by Henry M^c^Kiesoun, the Lords do suspend the horning against pursuers, and find meet that the execution of the decree touching the removing and placing of the said seat shall be committed to David, Lord of Scone, Captain of the Guard.

Commissions. 1607–1616. Fol. 16, a.

As James Hammlytoun of Glendaill, Hew Hammlytoun, his uncle, and William Hammlytoun, his page, remain unrelaxed from a horning of 8th instant, raised by Johnne Hammyltoun of Fallis, William Young in Teilhill, James Young, his son, Johnne Young in Maynes, and the other tenants of the twenty pound land of Glengavill, for not answering before the Council for reiving furth of the lands of Glengavell 40 kye and 40 sheep from the said tenants, commission, signed by the Chancellor, Bishop of St Androis, Earls of Cassillis and Loutheane, Lords of Torphichin, Balcleugh, Burly, Halieruidhous, and Saltoun, is given to James, Earl of Abercorne, and to the sheriff of Lanerick, for apprehending the said rebels and entering them before the Council. Commission to apprehend James Hamilton and others, rebels.

Sederunts. Fol. 72, a.

Sederunt—Chancellor; Bishop of St Androis; Bishop of Orknay; Master of Elphingstoun; Haliruidhous; Quhittinghame; Privy Seal; Justice Clerk; Comptroller; Collector; Sir Johnne Arnott; Sir Alexander Drummond. 23rd November.

The diet appointed to the Lairds of Auchindrayne, elder and younger, to answer before the justice this day for the murder of the Tutor of Cassillis and Williame Dalrumple, is continued to 30th instant; and in the meantime it is ordained that old Auchindrane shall be detained in the tolbooth of Edinburgh, and that young Auchindrane shall be sent to the Castle of Edinburgh, to the effect they may be examined for the better clearing of the said crime. Mure of Auchindrane and the murder of the Tutor of Cassillis.

Acta 1608–9. Page 260.

Sederunt—Chancellor; Saint Androis; Bishop of Orknay; Cassillis; Lotheane; Saltoun; Torphechin; Bugcleuch; Halyruidhouse; Burley; Master of Lotheane; Master of Elphinstoun; Privy Seal; Justice Clerk; Quhittinghame; Bruntiland; Mr Petir Rollok; Logy; Sir Lues Craig; Priestfeild; Sir Alexander Drummond; Foistersait; Advocate; Sir Johnne Arnot. Edinburgh, 24th November.

"Forsamekle as, upoun occasioun of some wyld and detestable slauchteris and utheris insolenceis commitit within this kingdome, to the offence of God and contempt of his Majesteis authoritie, certane commissionis wer past and exped of auld for the persute and apprehensioun of the personis guiltie of the saidis crymes, and in the same commissionis libertie and pouer wes gevin to the commissionairis to beir, weir, and use hagbutis and pistolletis in the executioun thairof, his Majestie and his Counsale nawyse hoiping that the personis in quhois favour thir commissionis wer grantit wald onywyse haif abused his Majesteis princelie authoritie in useing of thir commissionis for thair awne privat revenge, aganis the meaning and tennour of the same, bot that sincerlie and uprightlie thay sould have execute the same commissionis aganis the personis contenit thairintill allanerlie, and within some certane schorte space efter the granting thairof: nochtwithstanding, it is of treuth that, some of thir commissionaris Discharge of commissions of justiciary, because of abuse of the same for private purposes by those holding them.

Page 261.

havcing mony particulair quharrellis of thair awne aganis thair nychtbouris, Acta 1603–9.
thay, for revenge of thair awne quarrellis, doeth verie oft beir and weir hagbuttis and pistolletis, and, quhairas [? quhainas] thay ar callit to thair answer thairupoun outher before his Majesteis Counsale or justice, thay wald fane cleith thameselffis with his Majesteis commissioun, pretending that thay ar evir in the executioun thairof at all suche tymes quhan thay ar hunting for thair awne privat revenge, and quhenas nothing les is in thair hairtis and dispositioun than to execute his Majesteis service according to the trew meaning and tennoure of the saidis commissionis. Quhairby his Majestie, in his royall authoritie, is manifestlie abused, and divers of his Heynes faithfull and good subjectis, who doeth cary a reverent regaird and obedience to his Majesteis lawis, and in conscience and dewtie to his Heynes doeth forbeir suche unlauchfull and forbiddin waponis, ar in verie grite danger of thair lyveis, quhairas thair advers pairtie, falslie pretending his Majesteis authoritie, doeth beir and weir the same wapponis. Quhairfore the saidis Lordis of Secrite Counsale by thir presentis hes annullit and dischairgit, and annullis and dischairgeis, all and sundrie commissionis grantit to quhatsomevir persone or personis at ony tyme bigane preceiding the dait heirof, contening pouer and libertie to beir, weir, and use hagbuttis and pistolletis, and ordanis the same commissionis, the haill effect and executioun thairof, to ceis in all tyme comeing, dischairgeing all and sindrie personis nominat justiceis or commissionairis in the same commissionis of all puting of the same to executioun in onywyse proceiding in ony point, claus, heid, or article of the same; dischairgeing thame thairof and of thair officeis in that pairt simpliciter be thir presentis; and that letters be direct to mak publicatioun heirof be oppin proclamatioun at all places neidfull, quhairthrou nane pretend ignorance of the same."

Charge to Lundy of that Ilk and Wood of Largo.

There being some variance between Lundy of that Ilk and Sir Page 262.
James Lundy, his uncle, on the one part, and Andro Wood, fiar of Largo, on the other part (*ante*, p. 194), there is order to charge both parties, under pain of rebellion, to subscribe such form of assurance as shall be presented to them, to endure till 1st January 1610, and to find caution for keeping the same inviolate.

Charge to the Earls of Glencairn and Eglinton and others.

The assurances between James, Earl of Glencairne, on the one part, and , Earl of Eglinton, and Robert, Lord Semple, on the other part, and between Patrik Maxwell of Newwark and Maxwell of [1], having now almost expired (*ante*, p. 138), albeit the variance between them yet remains, there is order to charge the said parties, under pain of rebellion, to subscribe and deliver to one another such form of assurances as shall be presented to them, to endure till 1st January 1610, and to find caution for keeping the same inviolate.

Inhabitants of Kintore against the King's Advocate and John Gairden,

Complaint by Johne Cruves, William Couper, Stephane M°Kie, David Andirsoun, Andro Chalmer, Alexander Chyne, Johnne Leslie, Ronnald Forbes, Mr Gilbert Keyth, Duncane Emslie, and Thomas Small, burgesses Page 263.
of Kyntore, as follows:—They are put to the horn, by virtue of general

[1] Montgomery of Skelmurlie is the name given in the *Book of Sederunts*.

Acta 1608-9. letters obtained under the name of Sir Thomas Hammiltoun of Bynnie, King's Advocate, in the year 1600, for their alleged neglect to elect such persons to bear office in the said town during the next coming year as they should think most meet, excluding all others bearing office within the same this year. Now, the said general letters had been obtained, under the "borrowit and usurpit" name of the Advocate in the said year, by the moyan of some "ambitious personis quha hes evir aspired to the absolute governament and ministratioun of the publict and commoun effairis of the said burgh." These persons, finding that "be the ordinair forme of electioun" they could not come to their intent, had resolved to carry out their purpose under the pretence of his Majesty's authority, and for this effect had obtained this "extraordinair letter for the sex hundreth yeir of God allanerlie; quhairin no mentioun is maid of ony uther yeir, nor na pouer gevin thairby for chairgeing of the personis haveing vote in the said electioun to mak choise of thair magistratis for ony uther subsequent yeir." Hence, the executor of the said charge has "verie maliciouslie" used the same against the complainers for this present year. Moreover, "seing the saidis complenairis knew perfytlie that all the chairgeis and directionis of the Lordis of his Heynes Prevey Counsale ar infalliblie groundit upoun equitie and reasoun, and that this generall chairge in the expres wordis, as it is consavit, maid onlie mentioun that the personis haveing vote in the electioun sould proceid thairin according to the lawis and Actis of Parliament," the persons having vote in election had convened Page 264. on 4th and 7th October last, and, after demission made by Andro Chalmer and Johnne Andirsone, bailies of the said burgh for the year preceding, had elected David Andirsone and Alexander Cheyne, burgesses of the said burgh, to be bailies thereof for this subsequent year; and the same day the said persons having vote had "alterit sa mony of the former counsell of the said burgh and electit and cheisit of new sa mony utheris in thair placeis to beir office in counsell for the said subsequent yeir, as is prescribed by the Acts of Parliament." Thus, the complainers have conformed to law and obeyed the said charge wrongously used against them. Farther, the letters of horning are directed against all having vote in the said election, without specifying that the complainers are such persons as have vote for this present year; and so the said charge could not be lawfully used against them. Again, the charge was used against the complainers on said 4th October, the very day of the election of the said magistrates, whereas by the Acts of Parliament it ought to have been executed against them on 15 days' warning, by reason that they dwell north the water of Die. As, nevertheless, for obedience, the complainers have found caution to elect new magistrates for this year if required by the law, each in 100 merks, and also to pay to the Treasurer £10 each for their escheats, the Page 265. said letters of horning ought to be suspended.—Charge had been given to the Advocate, and to Johnne Gairdin, messenger, to answer; and now, the Advocate appearing, but not the messenger, while the pursuers appear by Mr George Fraser, the Lords do suspend the said letters of horning.

anent the election of the magistrates of the said burgh.

Matthew Lindsay against Andrew Leitch for assault.

Complaint by Mathew Lindsay in Blantyre, that, on an evening in September last, while he was coming from the city of Glasgow to Blantyre, Andro Leitche, burgess of Rugline, commanded him to render himself on pain of his life, and that, when complainer, for eschewing farther trouble, had yielded, Leitche put violent hands on him, gave him a deadly stroke with his whinger, wounded him in the "lisk," and left him for dead.— Pursuer appearing, defender, for not appearing, is to be denounced rebel. Acta 1608-9. Page 266.

Presbytery of Jedburgh against Turnbull of Minto and his spouse.

George Abirnethie, advocate, appears as procurator for the presbytery of Jedburgh, and gives in a copy of the letters of suspension raised by Thomas Turneble of Mynto, and Barbara Home, his spouse, charging the said presbytery to produce before the Council the summons used by them against the said Thomas and spouse for their compearance before the said ministers in the kirk of Jedburgh as witnesses concerning the crime of fornication alleged to have been committed by Mr James Johnnstoun, parson of Mynto, with , a servant woman; the object being the discharge of the said ministers from proceeding to the sentence of excommunication against the said Thomas and his spouse. Neither Turneble nor his spouse appearing, the procurator protests that the said ministers may proceed; and the Lords admit the protest. Page 267.

John and James Finlayson against David Stratton and others for debt.

Action by Johnne and James Finlasonis, burgesses of Dundie, against David Stratoun, elder of Cragy, for remaining unrelaxed from a horning of 31st May 1595 for not paying them the teind sheaves of the Mains of Cragy for the years 1592, 1593, and 1594; and against Mr James Keyth of Witsoun and George Stratoun of Glentoun for remaining unrelaxed from a horning of 20th July 1604 for not paying pursuers the teind-sheaves of the lands of Over Cragy and Hill of Cragy, the said Mr James for 1602 and Stratoun for 1601 and 1602; also against Arthour Stratoun of Canterland, Johnne Ogilvy in Jakistoun, Waltir Barclay in Muretoun, and Johnne Carnegy, sometime occupier of the half town of Wester Matheris, for remaining unrelaxed from a horning of 6th June 1604 for not paying pursuers the teindsheaves specified in the letters of horning.— Charge had been given to the defenders, except George Stratoun and Waltir Barclay, to answer; and now, pursuers appearing by Alexander Patirsoun, the defenders, not appearing, are to be apprehended by the Captain of the Guard. Page 268.

Mr James Ord against James Gordon and others for debt.

Action by Mr James Ord, son of Thomas Ord of Findauchtie, against James Gordoun of Auchinraith, Alexander Gordoun of Corridoun, and William Gordoun of Mureaik, for remaining unrelaxed from a horning of 23rd June last for not paying him, as assignee to Mr William Ord, 800 merks as principal and 400 merks for expenses.—Pursuer appearing by Alexander Ord, defenders, not appearing, are to be apprehended. Page 269.

James Finlayson against Arthur Stratton and James Ogilvy for debt.

Action by James Fynlasoun, burgess of Dundie, against Arthour Stratoun of Snawtoun and James Ogilvy in Easter Matheris for remaining unrelaxed from hornings of 20th July last, the former for not paying the pursuer 200 merks, and the latter 300 merks as principal and 100 merks for expenses. — Pursuer appearing by Alexander Patirsoun, defenders, not appearing, are to be apprehended. Page 270.

Acta 1608–9.

"Whereas, upoun report maid unto us of the proceidingis of that last Generall Assemblie of the Kirk of that oure kingdome keipit at Lynlithgow, and of the good unitie and concord thairat, and of the zeale and affectioun kyithed at that tyme by many of oure subjectis of sindrie qualiteis and estateis, both for advancing the treuth professit and repressing the incres and grouth of contrarie professauris, we war moved, with no small caus of joy and contentment, and acknowlegeing oure selffis in oure dewtie to oure God to be bound, as a nuris-fader to the Kirk heir on earth, to protect, mantene, and advance all thair good and lauchfull proceidingis; and for that caus we haveing thocht meit that suche thingis as wer treated of in the said Assemblie mycht be consultit upoun and concludit by the Estaitis of that oure kingdome to be convened the sext of December nixt [*ante*, p. 173]; bot we haveing now some forder mater to move at that meiting, for repressing in all tyme heirefter of any grouth of papistis and contrary professouris, whiche can noway be prepared to be proponed at the foirsaid appointed day: we haif thairupoun thoght meitest to continew that meiting of oure Estaitis formerlie appointed the said sext of December to the xxvi of Januar thairefter: at quhich tyme, without forder delay, we hoip to haif so good conclusionis laide doun by oure Estaitis thair as boith the commoun enemye salbe justlie afeared and the trew professour muche encuraged. And thairfore oure pleasour and will is that publicatioun be maid heirof at the mercat croce of Edinburgh and all utheris placeis neidfull, willing all suche as ar desyred to the foirsaid Conventioun not to faill to keip preciselie the said xxvi of Januair, that so by thair concurrence that good work, begun and brotched in the Generall Assemblie, may be finished and crowned in the Conventioun of oure Estaitis, for joy and contentment to the good, and for discourageing of all the bad and wicked sorte who ar evill affected in religioun; and that letters of publicatioun be heirupoun direct. Gevin at oure Court of Newmarcat the xxv of November 1608."

Page 271.

Royal proclamation continuing the Convention of Estates appointed for 6th December, for the consideration of Church affairs, to 26th January.

Sederunt—Chancellor; Mar; Cassillis; Bishop of Saint Androis; Bishop of Ros; Bishop of Murray; Perth; Saltoun; Bugcleuch; Halyruidhouse; Privy Seal; Justice Clerk; Comptroller; Master of Elphinstoun; Advocate; Collector; Quhittinghame; Sir Robert Melvill, younger; Foistersat; Sir Johnne Arnot; Sir Lues Craig.

Edinburgh, 29th November.

Page 272.

Complaint by Lyell Struther, servitor to the Earl of Perth, as follows:— In violation of the Act against assault within the burgh of Edinburgh or a mile of the Council's residence, Thomas Ker, elder of Cavers, George Ker, younger of Caveris, William Ker, son of the said Thomas, and Johnne Ker, brother of the said Thomas and indweller in Edinburgh, all armed with swords, gauntlets, and platesleeves, came on 17th instant, at six hours at even, to the complainer at the Lord Chancellor's gate, and there, without respect to the quiet of the Chancellor, "cheif magistrat over this kingdome," did, with drawn swords, cut him "behind his bak throw the

Lyell Struther against Ker of Cavers and others for assault.

cloik and doublat unto the skin," and "strak out mony strykis at him," so that he would have been slain if he had not escaped.—Both parties appearing, the Lords assoilzie said Thomas and Johnne from this complaint, and ordain the other two defenders to be committed to ward in the tolbooth of Edinburgh; the first two having sworn that the complaint is not true, while the others confess the crime. Acta 1608-9. Page 273.

William Ker against Lyell Struther for assault.

Complaint by William Ker, son of Thomas Ker of Caveris, that, in July 1603, while he was in the town of Anvick, Lyell Struther, Englishman, now servitor to the Earl of Perth, with five or six others, all armed with swords, daggers, and gauntlets, fiercely assaulted him, wounding him in the head, right arm, and thigh.—Both parties appearing, the Lords ordain defender to find caution in 500 merks to answer by 1st November next before the Commissioners of the Borders to this complaint, under pain of horning. Page 274.

Edinburgh, 1st December.

Sederunt—Chancellor; Glencairne; Cassillis; Lotheane; Bishop of Saint Androis; Bishop of Glasgow; Bishop of Orknay; Bishop of Ros; Bishop of Murray; Bishop of Brechin; Torphechin; Bugcleuch; Halyruidhouse; Bewlie, comptroller; Master of Lotheane; Master of Elphinstoun; Privy Seal; Justice Clerk; Quhittinghame; Bruntiland; Mr Petir Rollok; Sir Lues Craig; Advocate; Collector; Logie; Preistfeild; Sir Alexander Drummond; Foistersait; Sir Johnne Arnot; Sir James Sandilandis.

Sir William Cranstoun against John Carlyle and others for assault on one of his servants.

Complaint by Sir William Cranstoun, as follows:—For the better discharge of his duty in keeping order within the middle shires of this Island, he had appointed some of his servants to remain in the castle of Lochmaben, as the most commodious place in Annanderdaill for that purpose, one of his directions to them being to take all such guns and pistolets as they should find worn within the said bounds. Now, on day of November last, Johnne Hill, one of his servants, having challenged Robert Trailkat, a fugitive Englishman, with a hagbut, and taken it from him, Johnne Carlile, called Boytach, Robert Johnnstoun, called the goodman of Lochmaben, and Johnne Lawsone, called of Rowcan, pursued his said servant for his life, wounded him in divers parts of his body, and left him for dead.—Pursuer appearing personally, defenders, for not appearing, are to be denounced rebels. Page 275.

William Nicolson against MacIntosh of Borlum and Dunbar of Durris for debt.

Action of William Nicolsoun, merchant, burgess of Edinburgh, against William M^{c}Intoche of Borloun and Mark Dumbar of Duris for remaining unrelaxed from hornings of 31st May and 2nd June last, M^{c}Intosche for not paying him £864 as principal and 200 merks of expenses, and Dumbar for not paying him £400 as principal and 100 merks of expenses.—Pursuer appearing by Archibald Douglas, defenders, not appearing, are to be apprehended. Page 276.

Sir Mungo Murray against

Action by Sir Mungo Murray of Denork, and dame Margaret Creichtoun, his spouse, against George Seytoun of Parbroith, as principal, and David Page 277.

Acta 1608–9.

Kynnynmonth of that Ilk [as surety], for remaining at the horn since 21st June last for not paying pursuers £1120 as principal, with the byrun annuals of the same, and £100 of expenses.—Charge had been given to Kynnynmonth to answer; and now, pursuers appearing by Archibald Douglas, defender, for not appearing, is to be apprehended. David Kininmonth for debt.

Page 278.

Johnne Moscrop, burgess of Jedburgh, appears as procurator for the bailies of said burgh, and gives in a copy of letters raised by Robert Simpsoun, burgess there, charging the said bailies to produce him before the Council this day, in order to his release from the tolbooth of the said burgh.—Simpsoun not appearing, the said procurator protests that the bailies shall not be held to answer any farther in this matter till newly warned; and the Lords admit the protest. Protest for the bailies of Jedburgh against Robert Simson.

Action by Adam Scot, brother of Philp Scot of Dryhoip, against Mathew Finlasoun of Killeith, as principal, and Mr Johnne Finlasoun, as surety for him, for remaining at the horn since 12th August last for not paying pursuer 700 merks as principal and £50 of expenses.— Adam Scott against Matthew and Mr John Finlayson.

Page 279.

Pursuer appearing, defenders, not appearing, are to be apprehended.

Complaint by Johne and Patrik Heriotis, Thomas and David Wyleis, and Alexander Chalmer, bonnetmakers in the Canongait, for themselves and the other bonnetmakers there, as follows:—Johnne Hill, deacon of the waulkers of Edinburgh, and Thomas Patirsoun, deacon of the bonnetmakers there, for themselves and the other brethren of the said crafts, on the one part, and Imbre and Alexander Moseis, Johnne Crystie *alias* Fockart, Daniell and William Robesonis, William Crystesoun at Bell's Mill, Jonet Gilleis there, Mungo Campbell at Beldony, Johnne Roger at Wester Wood-mill, Bessie Heriot at Silver-mill, Alexander and Mathew Findlayis, servants to the Laird of Cragyhall, Thomas Wilsone, Johnne Robesone in the New Mill, George Lyell at Laswaid-mill, Niniane Bonnetmakers of the Canongate against the bonnetmakers and waulkers of Edinburgh for making an unlawful band. Decree for the pursuers.

Page 280.

Lyell at Caringtoun-mill, Thomas Hegielaw there, Robert Wilsone at Roisling-mill, all waulkers, and William Coutis, also waulker, burgess of Edinburgh, on the other part, had, in a meeting kept on 27th October 1595, most unlawfully made a band among themselves, whereby the said waulkers are bound not to work for any unfree bonnetmakers, or receive any work from them, without command from the said deacons. Accordingly, the said waulkers have this long time bygone refused to receive the complainers' bonnets and work the same, thereby prejudging them of the "commoun benefite of lauchfull subjectis," although the bonnetmakers of Edinburgh have no farther liberty outside the same than the complainers have.—Charge had been given to the said Imbre Moses, Daniell Robesone, Jonet Gilleis, Bessie Heriot, Johnne Crystie, Johnne Hill, and Thomas

Page 281.

Patirsone, to appear this day, bringing with them the said band; and now, pursuers and defenders appearing personally, the Lords find that the said band was unlawfully made, and therefore decern the same to be null. They also decern the defenders to receive from the pursuers such work as they shall present to them, and to deliver the same back again to the pursuers duly waulked at their reasonable expenses.

Andrew Beattie and Patrick Leighton against John Rhind for debt.

Action by Andro Beatie, one of the bailies of Montrois, and Patrik Lichtoun there, against Johnne Rynd, fiar of Kars, for remaining at the horn since 5th August last for not paying them 1000 merks as principal for the redemption of the sunny half lands of Nether Bow and 500 merks as expenses incurred by him for not redeeming the said lands at Whitsunday 1607, together with ten per cent. for the said 500 merks for the terms of Whitsunday and Martinmas.—Pursuers appearing by Archibald Dowglas, defenders, not appearing, are to be apprehended. Acta 1608-9. Page 282.

John Borthwick and Bernard Ramsay committed to ward on a charge of rape.

The complaint against Johnne Borthuik and Bernard Ramsay for their violent forcing of Jonet Corsar and Jonet Wadie (*ante*, p. 190) having been called on 17th November last, and the said accused then appearing, the Lords had continued the matter to this day. And now, said persons and Sir Thomas Hammiltoun appearing personally, and the Advocate having produced the process led against the accused before the presbytery of Dalkeith, containing divers presumptions of a purpose in the said persons to force the said two women, the Lords ordain them to be committed to ward in the tolbooth of Edinburgh. Page 283.

Edinburgh, 6th December.

Sederunt—Chancellor; Bishop of St Androis; Bishop of Ros; Perth; Buccleugh; Torphichin; Master of Elphinstoun; Privy Seal; Justice Clerk; Advocate; Collector; Quhittinghame; Mr Peter Rollok; Brintiland; Preistisfield; Sir Lues Craig; Sir Alexander Drummond; Fostersait; Sir Johnne Arnott. Sederunts, Fol. 72, b.

Anent Lord Balmerino.

"The quhilk day a missive letter wes subscryvit to be direct to his Majestie contening ane answer to his Heynes letter anent the President."[1]

William Geddes.

Proclamation to be expede prohibiting the reset of William Geddes, guilty of having ravished Katherene Weir, under pain of being held alike guilty.

Licence to Forbes of Corsindae to go to Court.

Licence, signed by the Chancellor, Bishop of St Androis, Earl of Perth, and Lord of Torphichen, to John Forbes of Corsindae to repair to Court and remain there so long as the necessity of his business shall require. Commissions, Fol. 17, a.

Edinburgh, 8th December.

Sederunt—Chancellor; Mar; Bishop of St Androis; Bishop of Ros; Bishop of Orknay; Bishop of Murray; Perth; Saltoun; Torphechin; Bugcleuch; Bewlie, comptroller; Halyruidhous; Acta, 1608-9. Page 283.

[1] By this time the Privy Council were officially cognisant of all that had happened in London in the great Balmerino business (*ante*, pp. 166, 171, 186, 191, footnotes). They had doubtless been hearing enough of the matter by rumour for some time; but the first regular information to them in his Majesty's name had been by Archbishop Spotswood's bringing with him, on his return from London, that letter of his Majesty of date 21st November 1608 which will be found among the *Royal and Other Letters*. Spotswood, it may have been noted, was present again in Council, after his long absence, on the 1st of December (*ante*, p. 200). He must have had much to communicate to his colleagues of the Council, and must have been a greater man among them than he had been before, in consequence of that recent intimacy with the King in England, and those private conferences with the King upon all Scottish affairs, into which he had been brought by his conjunction with the Earl of Dunbar in the mission to the King on the part of the late General Assembly of Linlithgow. His first and principal topic, however, must have been the Balmerino business. What had been the effects of his

Acta 1608-9.

Master of Lotheane; Master of Elphinstoun; Privy Seal; Tungland; Justice Clerk; Edzell; Constable of Dundie; Quhittinghame; Privy Seal; Justice Clerk; Logy; Advocate; Collector; Mr Petir Rollok; Sir Alexander Drummond; Sir Lues Craig; Bruntiland; Foistersait.

Page 284.

Earl of Home against Ker of Fernihirst and others for debt.

Action by Alexander, Earl of Home, against Sir Andro Ker of Phairnyhirst, Johnne Rutherfurd, tutor of Edzerstoun, Sir Robert Frissell of Overtoun, and Thomas Rutherfurd, apparent of Hunthill, for lying at the horn since 8th November last for not restoring to pursuer the teind sheaves mentioned in the letters of horning.—Pursuer appearing by Johnne Cranstoun, defenders, not appearing, are to be apprehended.

Page 285.

Katherine Weir against William Geddes for abduction.

Complaint by Katherine Weir, daughter of the late Cornelius Weir, merchant, burgess of Edinburgh, and by Margaret Stewart, relict of Johne Dick, merchant, burgess there, for her interest, as follows:—The said Katherine, since the decease of her father and mother, has been in company with the said Margaret, her good-dame, and has been educated by her. While both were going to the close where the said Margaret dwells, Williame Geddes, son of Thomas Geddes, merchant, burgess there, on 5th instant between 6 and 7 o'clock at night, accompanied by six persons, all armed with swords, gauntlets, steelbonnets, and platesleeves, violently seized the said Katherine, "being a young waik damoseill" not past 14 years of age, and, without pity of her "monyfald exclamationis and crying," forcibly seized her and took her away with them.—Margaret

Page 286.

Stewart appearing, defender, not appearing, is to be denounced rebel.

Archbishop of St Andrews against the Laird of Fairny and other rebels for non-payment of their shares of certain taxations.

Action by George, Archbishop of St Androis, against William Fairny of that Ilk, George Seatoun of Parbroith, James Fairny of Kingyeoch, and Stevin Dudingstoun of Balgrummo, for remaining unrelaxed from horn-

discourses to his colleagues on that business may be seen by reading, among the *Royal and Other Letters*, this letter of the Council of date 6th December, which they sent in reply to his Majesty's of the 21st November. —To that letter, expressing in such studied terms the horror of the Council at the news conveyed to them, their passionate amazement at the discovery that their colleague Balmerino should have been guilty of such unpardonable disloyalty to the best of masters, there had been appended, it may be noted, seventeen signatures, the first being "A. Cancellarius." Strange to read Spotswood's statement that at that very moment Chancellor Dunfermline was trembling lest he himself should be involved in Balmerino's fate! "This report made," writes Spotswood (*History*, p. 509) "the Chancellor, who had been much ruled by the Secretary, was greatly afraid, as suspecting the next assault should have been made upon himself." It was not Spotswood's fault, nor apparently that of the Earl of Dunbar, that this did not come to pass, and that Dunfermline and Balmerino did not go down together. His Majesty, however, would not have it so, preferring such continuation of a kind of duality in the system of Government in Scotland as could be secured by retaining Dunfermline in his nominal supremacy of the Chancellorship and conjoining with him Dunbar as an occasional co-equal.—Meanwhile Balmerino had arrived in Scotland under guard, to abide whatever his Majesty might decree as the sequel of his sad humiliation in England. In passing through Newcastle, he had sent a message to James Melville, then in his exile there, soliciting his sympathy and any services he might be able to render by letters to Scottish friends; on leaving that town "it was marked that he shed teares"; and at Berwick "he was heard to utter these words,—'I wishe I had beene made a sheepkeeper when I was made a scholler'" (Calderwood, vi. 818–9).—The place assigned him for his ward till his trial should be arranged for was Falkland.

ings of 19th and 21st July last: said William for not paying pursuer, for his relief, £44 for his part of the first term's payment of the taxation granted to his Majesty in July 1606 as imposed on his teind bolls of his lands of Kingyeoch, £26 for his part of the second term's payment of the said taxation imposed on his half lands of Wester Fairny and Cloithup, and £6, 10s. for his part of the taxation granted for support of Dunbertane; said George, £3 for each of the said first and second terms' taxes of his lands of , and 15s. 9d. for his part of the taxation granted for support of Dunbertane; said James, £44 for the second term's tax of his teinds of Kingyeoch, and £11 for his part of the said tax of Dunbertane imposed on said teinds; and said Stevin, £4, 4s. for the said second term's tax of his lands of , and 21s. for his part of Dunbertane's said taxation.—Charge had been given to the said William, and James, his son, to answer; and now, pursuer appearing personally, defenders, not appearing, are to be apprehended. Acta 1608-9. Page 287.

Presbytery of Turriff against William Meldrum, a trafficking papist.

Complaint by the presbytery of Tureff, that William Meldrum of Badinscott, "ane obstinat trafficquing papist," who, after long and fruitless dealing with him, for "reduceing of him fra his superstitioun and erroris to the acknawlegeing of the treuth," had been excommunicated by them in February last, still continues obstinate under the censure.—Mr George Hay, moderator of the presbytery, appearing for himself and his brethren, Meldrum, for not appearing, is to be denounced rebel. Page 288.

Robert Glendoning against Lord Herries.

Action by Robert Glendonyng, fiar of Partoun, against Johnne, Lord Hereis, for lying since 15th July last at the horn for not exhibiting before the Council for registration the contract mentioned in the letters of horning.—Pursuer appearing, defender, not appearing, is to be apprehended. Page 289.

Robert Wardlaw against James Stewart for debt.

Action by Robert Wardlaw of Doubhous against James Stewart of Strabrok, as cautioner for Mr David Ogilvie of Pitmoweis, for lying since 29th June last at the horn for not paying pursuer 1000 merks as principal and 100 merks for expenses.—Pursuer appearing, defender, failing to appear, is to be apprehended. Page 290.

Commission to apprehend George Leslie and others.

As George Leslie of Oldcraig, Alexander Arbuthnot, son of late James Arbuthnot of Lentuiche, and Johnne Duncane, servitor to the said George Leslie, remain unrelaxed from a horning of 2nd instant, raised by Helene Leith, relict, Johne and George Leithis, sons, and Johne Leith of Harthill, father, of late Mr George Leith, for not finding caution to answer before the justice for invading the said father, and slaying the said Mr George with hagbuts, and thereafter stripping him of his habiliments, together with his sword, steelbonnet, and purse containing £100 of gold and £10 in white silver, commission, signed by the Chancellor and Bishop of St Androis, is given to the sheriff of Abirdene, the Captain of the Guard, Alexander Gordoun of Cluny, and Thomas Gordoun of Straithbogie, to apprehend the said rebels and to enter them before the justice. Commissions, 1607–1616. Fol. 17, a.

Commission to apprehend John Weir and others, sued for murder.

Johnne Weir in Over Quhytcleuch, Mungo Weir, his brother, there, Petir Weir in Rig, and Margaret Weir in Bagre, continuing still at the horn to which they had been put on 2nd instant by Jonet Small, relict, Fol. 18, a.

Commissions, 1607–1616.

Johnne, William, Patrik, Helene, Greikie, and Agnes Hammiltonis, bairns, of late Johne Hammiltoun, burgess of Edinburgh, and by the King's Advocate, in default of finding caution to answer before the justice for the murder of the said Johne, committed on 7th November last, there is commission, signed by the Chancellor, Bishop of St Androis, Lord Saltoun, Lord of Torphechin, R. Cokburne, and Sir Thomas Hammiltoun, to the sheriff of Lanerik, the Captain of the Guard, and to Johnne Hammiltoun of Gilkerscleuch, bailie of Craufurdjohnne, to apprehend the said rebels and enter them before the justice.

Sederunts, Fol. 73, a.

Jonnet Corsar and Jonnet Wadie, appearing before the Council, confess that there was no violence done to them by Bernard Ramsay and Johnne Borthuik (*ante*, p. 202); who are accordingly ordered to be relieved on finding caution to answer when required under pain of 500 merks. Ramsay and Borthwick.

On the petition of the Laird of Cranstoun. license is granted to Mr David Calderwod to repair to the said Laird, but with promise not to repair to meetings of presbytery. Mr David Calderwood.

On the petition of Mr Johnne Boyll, minister at Jedburgh, testifying that he has actions before the session, he is allowed to attend upon these actions only, with promise not to repair to presbyteries. Mr John Boyle.

The Lords subscribe a signature of his Majesty in favour of Walter, Lord Bugcleuch, containing the King's approbation of his service on the Borders. Lord Bucleuch.

Acta 1608–9. Page 290.

Sederunt—Chancellor; Bishop of Saint Androis; Craufurd; Mar; Bishop of Ros; Saltoun; Bugcleuch; Halyruidhouse; Master of Elphinstoun; Constable of Dundie; Quhittinghame; Bruntiland; Privy Seal; Justice Clerk; Collector; Advocate; Logy; Sir Lues Craig; Foistersait; Mr Petir Rollok; Sir Johnne Arnot.[1] Edinburgh, 13th December

Complaint by Sir Robert M°Clellane of Bomby, that David Johnnstoun, called Stad Davie, Johnnstoun, his brother, and Geordie Johnnstoun, his brother's son, son of Willie of Ridhall,—who these twenty-four years have been outlaws for the murder of Johnne Maxwell, provost of Drumfreis, the complainer's uncle,—have been frequently resetted by Gilbert Broun in Larg, especially when the Earl of Dumbar and Sir William Cranstoun come within the bounds of Annanderdaill, Nithisdaill, or Galloway.—Pursuer and defender appearing, the Lords assoilzie the defender, because of his oath that the complaint is not true. MacLellan of-Bomby against Gilbert Brown for the reset of rebels.

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Complaint by Gilbert Broun in Largis that, in violation of the Act against invading anyone within the burgh of Edinburgh or a mile of the Privy Council's residence, Sir Robert M°Clellane of Bomby, forgathering with him on 10th instant (while he was riding from the links of Leith, where he had been "recreating" himself, to the burgh of Edinburgh), pulled out his sword, pursued him for his life, and would have slain him Gilbert Brown against MacLellan of Bomby for assault.

[1] In the corresponding list in the *Book of Sederunts* Lord Torphechin appears among the Councillors.

if he had not been stayed by certain gentlemen then present.—Both parties appearing, the Lords find the complaint clearly proven, and order the defender to go into ward in the city of Saint Androis by Saturday 17th at night, and to remain there till reliesed, under pain of £1000, and also to find caution for the indemnity of the pursuer under pain of £2000, within forty-eight hours after the date hereof, under pain of horning. Acta 1608–9. Page 293.

Commission of justiciary against John MacEwne.

Johnne M°Ewne Leithe, servitor to the Laird of Polmais, having been taken on 10th instant redhand by the provost and bailies of Streveling in the actual murdering of David Crawfurde, servitor to Alexander Levingstoun, apparent of Hainnyng, and committed by them to the tolbooth of the said burgh, commission, signed by the Chancellor, is given to the sheriff of Streviling to put said Leithe to the knowledge of an assize, and minister justice accordingly. Commissions 1607-1616. Fol. 19, a.

Anent export of victual.

A petition having been given in by the magistrates and ministers of the burgh of Edinburgh "craving a restrent of the transporting of victuall," the Lords postpone their answer till the Convention of the Estates in January next. Sederunts. Fol. 73, a.

Edinburgh, 15th December.

Sederunt—Chancellor; Crawfurd; Mar; Lotheane; Bishop of Saint Androis; Bishop of Orknay; Saltoun; Elphingstoun; Torphechin; Bugcleuch; Blantyre; Halyruidhouse; Bewlie, comptroller; Master of Lotheane; Master of Elphinstoun; Constable of Dundie; Privy Seal; Justice Clerk; Bruntiland; Advocate; Collector; Mr Petir Rollok; Logy; Sir Lues Craig; Foistersait; Sir Johnne Arnot. Acta 1608–9. Page 293.

Bessy Wright against Matthew Cheape and Patrick Shiell for debt.

Action by Bessie Wrycht at the Corrie-mill-Brig against Mathew Chaip and Patrik Scheill, maltmen in Perth, for lying since 2nd December instant at the horn for not paying her 400 merks as principal and £40 of expenses.—Pursuer appearing by Archibald Douglas, defenders, not appearing, are to be apprehended. Page 294.

Sir Robert Hepburne against John Sinclair for debt.

Action by Sir Robert Hepburne of Aulderstoun, Lieutenant of his Majesty's Guard, against Johnne Sinclair in Ferrie Gait for lying since 29th November last at the horn for not paying him 510 merks as principal and £100 of expenses, also three score bolls of wheat or £9 for each boll thereof with £40 of expenses, and that furth of the half of eighteen chalders victual for the fermes of the lands of Quhytkirk for the crop 1607, as specified in a decree recovered by the complainer against him dated in March last.—Pursuer appearing personally, defender, not appearing, is to be apprehended. Page 295.

Henry Balnaves against Douglas of Kilspindy and David Mathie for debt.

Action by Henry Balnaivis, burgess of Perth, and Margaret Andirsone, his spouse, against Patrik Douglas of Kilspindie, as principal, and David Mathie in Pittartie, as surety, for lying since 7th June last at the horn for not paying the pursuers 300 merks, with the annualrent of nine bolls of victual.—Pursuers appearing by Archibald Douglas, defenders, not appearing, are to be apprehended. Page 296.

Acta 1608-9.

Action by Robert Thomesoun, merchant, burgess of Edinburgh, and Barbara Coutis, his spouse, against Robert Hepburne, fiar of West Fortoun, for lying since 24th February last at the horn for not paying them 500 merks as principal and 100 merks of expenses.—Pursuers appearing by Archibald Douglas, defender, not appearing, is to be apprehended. Robert Thomson and spouse against Robert Hepburne for debt.

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Action by David Ramsay of Balmane against Arthour Stratoun in Canterland, as principal, and Johnne Irwing in Quhytrigis, as surety, for lying since 11th November last at the horn for not paying him 200 merks as principal, with the annualrent of £16 yearly since Whitsunday 1600, and with £20 for registration of the band made to the pursuer thereon and £10 for the charge.—Pursuer appearing by Archibald Douglas, defenders, failing to appear, are to be apprehended. David Ramsay against Arthur Stratton and John Irvine for debt.

Page 298.

Complaint by Margaret Kirkpatrik, relict of William Maxwell of Cowhill, as follows:—She is put to the horn at the instance of Robert, Edward, and Chairlis Maxwellis, brothers of Johnne Maxwell of Conhaith, Alexander Milligan in Haltoun, George Mulligane there, William Ewart there, George Currour in Hill, David Kaill in Killilung, Adam Nairnis there, David Maxwell in Middle Killilung, Thomas Robsoun there, Johnne M°Crone there, Robert M°Burnie in Nether Killilung, Gilbert Wallace there, Johnne Finla there, Thomas Beck there, Johnne M°Birnie there, David Watsoun there, Johnne M°Murey there, Johnne Hanyng in Lochfute, Johnne Greir in Woodhoill, Johnne Cairlile in Newtoun Rig, Henry Jaksoun there, William Greir there, Nowie Harper there, Johnne Neilsoun in Mossyde, Johnne Jaksoun in Muresyde, elder, Johnne Jaksoun, younger, there, Johne Beck there, Fergus Clerk in Culschanger, Johnne Lowie in Blakerne, Johnne Herreis in Feland, Johnne Smyth in Bartessin, Johne Gordoun there, Cubtert Freschie there, Johnne Beck there, Archibald Croket in Holme of Dalskerth, James Currour there, Andro Clerk there, Johnne Croket there, Johnne Murdoch there, Gilbert Croket there, Andro Milligane, burgess of Drumfreis, James Schairp, burgess there, Homer Hanyng there, James Maxwell in Vennel-fute, James Pane in Billow, James Edzer in Troqueir, Johnne Richie there, Johnne Beck there, Johnne Edzer there, Johnne Greir in Blakaiker, Andro Thomesoun in Querrelwood, Alexander Thomesoun there, Gilbert Robsoun in Duncow, Johnne Maschlie there, Alexander Robsoun in Castelhill, Symone Robsoun there, Symone Kirk there, James Meleis there, Mark M°Mertine there, Johnne Blak there, Johnne Michell there, Fergus Greir there, Johnne Wilsoun in Nuke, Johnne Wilsoun in Duncow, James Achesoun there, James Maxwell there, Robert Watsoun in Corretheid, Robert Scot of Auchincairne, James Scot there, Johnne Waltrat there, Johnne Johnnstoun in Quhytstanes, Johnne Johnnstoun, younger, Chairlis Gillisoun in Newtoun, Johne Herreis there, Harbert Tait, Thomas Broun of Scariquhen, David Watsoun in Windiehillis, Johnne Maxwell in Brigend, Andro Ireland in Carrelyeild, Edward and Johnne Wallaceis there, and James Gall in Gulihill, for not finding caution for their indemnity, under the Margaret Kirkpatrick against Robert Maxwell and others craving suspension of letters of horning.

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pain of 1000 merks. The said letters had been wrongously used against her; but, as she has found the required caution, the said letters should be suspended.—Charge had been given to the said Robert Maxwell, David Caill, Adam Narneis, David Maxwell, Thomas Robsoun, Johnne M°Crone, Gilbert Wallace, Thomas Beck, Johnne M°Burnie, David Watsoun, Johnne Cairlile, Henry Jaksoun, William Greir, Johnne Neilsoun, Johnne Jaksoun, elder, Johnne Jaksoun, younger, George Currour, Robert M°Burnie, Johnne Finlay, Johnne Greir, Nowie Harper, Gilbert Robsoun, Johnne Moschlie, Alexander Robsoun, Symont Robsoun, Symont Kirk, James Meweris, Mark M°Mertine, James Maxwell, Robert Watsoun, Andro Erland, Johnne Wallace, Johnne Gall, Archibald Croket, James Currour, Andro Clerk, Johnne Croket, Gilbert Croket, Andro Milligane, James Schairp, Homer Hanyng, James Edzer, Johnne Greir, Johnne Murdoch, James Pane, Johnne Richie, Johnne Edzer, and Thomas Din, to answer; and now, pursuer appearing by Alexander Cunynghame, but defenders not appearing, the Lords do suspend the said letters of horning. Acta 1608-9. Page 300.

King's Advocate and Gavin Thomson against Charles Pringle and others for violence and assault.

Complaint by Sir Thomas Hammiltoun, for the King's interest, and Gawin Thomesoun, burgess of Peblis, for his own interest, as follows:—Chairlis Pryngill, burgess there, Andro Pringill, called of Mylkestoun, David and William Pringlis, his brothers, Johnne Pringle, son of the said Andro, and Alexander Dalmahoy in Peblis, are in the habit of carrying hagbuts and pistolets for the said Gawin's slaughter. In September 1607 the said Chairlis, with nine or ten others, all armed with swords, lances, and whingers, pursued him on the high street of the said town, and wounded him in the left hand, and drove him back to the dwelling house of Issobell Andirsoun in the said town, where they would have slain him if he had not been relieved by the parson of Peblis and some others. From that date to 9th December instant the said Chairlis and the other defenders have not ceased to carry hagbuts and pistolets for complainer's pursuit, so that he dare not for fear of his life resort to his own parish kirk in Peblis, or to the public market place thereof, or come furth of his own house. On 2nd instant they pursued him with drawn swords on the high street; on which occasion Dalmahoy hurt complainer's thigh bone with a great stone of 8 lbs. weight, and at last, after wounding William Murray of Romano and divers other "gentilmen redderis," chased complainer into the house of William Ellot in Peblis, where they would have slain him if he had not been relieved by the said gentleman.—Pursuers appearing personally, and said Chairlis and Andro Pringlis and Alexander Dalmahoy being also present, the Lords find the assaults on Thomesoun in September 1607 and on 2nd December 1608 to be clearly proven against the defenders present, and order them into ward in the tolbooth of Edinburgh; but they assoilzie them from the charge of wearing hagbuts and pistolets. They ordain the absent defenders, viz. David, William, and Johnne Pringlis, to be denounced rebels. Page 301. Page 302. Page 303.

His Majesty being informed that David, Earl of Crawfurd, Hary Lind-

Acta 1608–9.

say of Kinfawnis, Sir Johnne Lindsay, his son and apparent heir, and Sir Johnne Lindsay of Woodwray, bear evil will to Sir David Lindsay, elder of Edzell, for the slaughter of Alexander, Lord of Spynie, as if he had been accessory to the same, and being loath to suffer any feud in this case to take root,—the rather because the ordinary course of law is open to all the lieges, and because the said Sir David's employment as councillor and senator requires his attendance continually thereon,—charge had been given to the said persons to appear before the Council and declare if they do challenge the said Laird of Edzell as anywise guilty of the said slaughter, to the effect a day may be appointed to them for pursuing him before the justice, or, if they do not so challenge him, then, according to the Act of Parliament, to take him by the hand and declare that they have no evil will towards him (vol. vii. p. 57, n).—The said Earl and the Lairds of Kinfawnis and Woodwray appearing, and having declared that they had very good reason to challenge the said Sir David as guilty of the said slaughter, the Council assign them any lawful day between this and 15th May next for his pursuit before the justice.

The Earl of Crawford and others against Sir David Lindsay of Edzell, in the matter of the slaughter of Lord Spynie.

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Complaint by Captain William Rig that, on Sunday 11th instant, while he was returning from the preaching in the town of Leith to his own residence in Edinburgh, James Pennycuke, son of late Pennycuke, parson of Pennycuke, Alexander Pennycuke, sometime of that Ilk, Andro Home, brother of Home of Garvetgrange, Mr Henry Sincler, son natural of the late Sincler of Roisling, William Willox, tailor in Edinburgh, George Small, stabler there, James Stewart, sometime soldier in the castle of Edinburgh, Thomas Vernour, son of Alexander Vernour in Reidhall-mill, and Henry Borthuik, sometime in Wester Duddingstoun, all armed with swords, daggers, and gauntlets, fiercely assaulted him between Leith and Edinburgh, wounded him in divers parts of his body, and reft from him his purse, cloak, and sword.—Charge had been given to the defenders, except Willox, Small, and Stewart, to answer; and now, pursuer appearing by his brother, and Mr Henry Sincler appearing personally, but none of the other defenders appearing, the order is to denounce the defaulters rebels.

Captain William Rig against James Pennycuik and others for assault and spuilzie.

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Complaint by George Mitchelhill, Patrik Kene, and James Scot, bailies of Selkirk, and Johnne Jaksoun, "knokkeiper" and burgess there, as follows:—On 1st instant Johnne Scot, brother of Waltir Scot of Well, and Johnne Turnble, his half brother, armed with sword, gauntlets, and platesleeves, and hounded out by Robert Scot of Hanyng, came at sunset by way of hamesucken to Jakson's house in the said burgh, and with drawn swords gave him many bloody wounds. Information thereof coming to the said bailies, they, in discharge of their duty, laid hands on the culprits, of purpose to ward them, conform to the order of burgh; whereupon, William Scot, brother of the laird of Hanyng, Waltir Gledstanes and Johnne Gledstanes, servitors to the goodman of Hanyng, Waltir Scot of Huntley, William Scot, his brother, Waltir Scot of Thirlstane, William Scot of Bowhill, James Scot, his brother, Waltir Scott,

Bailies of Selkirk against George Scott and John Turnbull for rescuing prisoners.

called Old Walter, in Synetone, Johnne Turnble, apparent of Hundley, Robert and Andro Turnbleis, his brothers, and David Scot, brother of late Scot of Syntone, with divers others, all armed and hounded out as above, came to the said bailies on the high calsay of the said burgh, and there perforce reft from them the said persons.—Charge had been given to George Scot, brother of Waltir Scot of Wall, and Johnne Turnble, apparent of Howden, to answer; and now, Mitchelhill, Scot, and Jaksoun appearing for themselves and for Kene, but defenders failing to appear, the Lords find the assault on Jaksoun clearly proven against the defenders, and ordain them to enter in ward in the tolbooth of Edinburgh within six days after the charge, under pain of rebellion. Acta 1608-9. Page 307.

Order for the removal of the heads of malefactors from the Nether Bow and Port of Edinburgh.

"The Lordis of Secrete [Counsell] considdering that the provest, baillies, and counsell of Edinburgh hes bestowit grite chairgeis and expenssis upoun the repairing of thair Nether Bow and Porte, and bigging of ane stepill thairupoun, and putting of ane bell and knok thairintill for the bewtiefeing of thair towne, and seing the headis and utheris memberis of convict and execute personis presentlie standing upoun the said Porte is ane grite disgrace to the new bigging and worke thairof: thairfoir the Lordis of Secreit Counsaill gevis pouer and commissioun to the provest and baillies of Edinburgh to remove the haill headis and utheris memberis of convict and execute personis presentlie standing on the Porte and Nether Bow, and that thay appoint and mak some other commodious parte upoun thair Porte, quhair in tyme comeing they may affix and sett up the headis and memberis of sic personis who heirefter salbe execute with sentence to haif thair headis and memberis affixt and sett up." Sederunts. Fol. 73, b.

Auditing of accounts between Lord Bewlie and Abercromby of Kersy.

The Lords give power to James, Lord of Bewlie, comptroller, Sir Johnne Arnott, treasurer-depute, Mr George Young, archdeacon of St Androis, and Archibald Prymrois, to audit the accounts between Alexander, Lord Elphinstoun, and James Abircrumby of Kersy, "and to tak notice and tryale" of the whole sums of money in which the said Lord is engaged as cautioner for Abircrumby, or which otherwise Abircrumby justly owes to the said comptroller. They are to meet in Arnott's house on Saturday next to that effect, and to report the result to the Council the next Council day.

16th Dec. Anent signets.

The two signets delivered to the Chancellor.

20th December.

Sederunt—Chancellor; St Androis; Mar; Elphinstoun; Torphechin; Bugcleuch; Blantyr; Haliruidhous; Master of Elphinstoun; Justice Clerk; Privy Seal; Advocate; Collector; Quhittinghame; Mr Petir Rollok; Logy; Sir Alexander Drummond; Conservator; Sir Johnne Arnott.

Order anent the cachet and stamp.

Mr Johnne Layng, keeper of the signet, presents before the Council his Majesty's great cashet and stamp, wherewith formerly all the King's foreign missives had been stamped, containing the old impression of his Majesty's arms only. This old stamp being delivered to Sir Johnne Fol. 74, a.

Sederunts, Arnott, he is ordained to break the same, and to make a new great stamp with the new impression of his Majesty's arms, and to deliver the same for keeping to Layng.

On the petition of Alexander M°Cleud, brother of Rory M°Cleud of Dunveggane, craving his ward to be changed from the tolbooth to the castle of Edinburgh or Blaknes, in respect of the "disease and seiknes" contracted by him in his present ward, the Lords ordain him to be transported to Blaknes. Warding of Alexander MacLeod.

License is granted "to prent a little treatise written be Symone Grahame, in respect Sir William Hairt, justice-depute, who wes appointit to sicht and considder the same, gaif his reporte in write under his hand, finding that the same wes worthy to be prented." Licence to publish a book written by Simon Grahame.

Acta 1608–9, Page 308. *Sederunt*—Chancellor; Mar; Bishop of Saint Androis; Bishop of Glasgow; Lotheane; Saltoun; Elphingstoun; Roxburgh; Torphechin; Bugcleuch; Blantyre; Halyruidhouse; Bewlie, comptroller; Master of Elphinstoun; Privy Seal; Justice Clerk; Edzell; Quhittinghame; Bruntiland; Collector; Advocate; Logy; Sir Alexander Drummond; Sir Lues Craig; Foistersait; Sir Johne Arnot; Sir William Hairt. Edinburgh, 22nd December.

William Geddes, son of Thomas Geddes, burgess of Edinburgh, having on 5th instant most barbarously ravished and taken away with him furth of Edinburgh, under cloud of night, Katherine Weir, daughter of late Cornelius Weir, burgess of Edinburgh (*ante*, p. 203), on set purpose to have detained her,—"wer not, be the providence of God, who hes a speciall care of distressit innocent personis, sho wes fred,"—had been summoned to answer before the Privy Council for the crime; but, taking the crime upon him, he had absented himself, and so on 10th instant had been denounced rebel. As he still remains at the horn and repairs to all parts Page 309. of the country, open proclamation is ordered at the market cross of Edinburgh, discharging all the lieges from resetting of or intercommuning with him, under pain of rebellion and of being held as guilty with him of the said crime. Proclamation against resetting William Geddes, charged with the abduction of Katherine Weir.

Complaint by James Ker, servitor to the Laird of Phairnyhirst, that on 12th March 1607 James Govane, brother of the Laird of Cardrono, and William Gibsoun in Kalyie-mill, armed with swords, gauntlets, and plate-sleeves, invaded him on the calsay of the burgh of Peblis, struck from him Page 310. the mid finger of his left hand, and mutilated the other fingers of the same hand.—Pursuer appearing personally, defenders, not appearing, are to be denounced rebels. James Ker against James Govan and William Gibson for assault and mutilation.

Action by Sir James Lundy against David Kynnynmonth of that Ilk for lying since 14th instant at the horn for not paying pursuer 1400 Page 311. merks as principal and £200 of expenses.—Pursuer appearing personally, defender, not appearing, is to be apprehended. Sir James Lundy against David Kininmonth for debt.

Action by David Andersoun, writer to the signet, against Johne

David Anderson, writer to the signet, against John Hunter and others for debt.

Hunter, merchant, burgess of Edinburgh, Williame Hunter in Prestoun, and Marioun Weddill, his spouse, for remaining unrelaxed from hornings of 4th June 1607 and 20th October 1608 for not paying him 200 merks as principal and £40 of expenses.—Pursuer appearing by Archibald Douglas, defenders, not appearing, are to be apprehended. Acta 1608–9. Page 312.

David Mitchell against Sir Robert Grahame for debt.

Action by David Mitchell, merchant, burgess of Edinburgh, against Sir Robert Grahame of Scottistoun for lying since 5th March last at the horn for not paying pursuer £816, 10s. as principal and £100 for expenses.—Pursuer appearing, defender, failing to appear, is to be apprehended. Page 313.

Stewart of Tracquair against Lady Newton and others for lying at the horn, some for debt, others for resistance to ejectment.

Action by Johnne Stewart of Tracquhair, and by Sir Robert Stewart of Scheillinglaw, for himself and as tutor to the said Johnne, against Helene Grameslaw, Lady Newtoun, and Robert Ker of Newtoun, her son, for lying since 25th January last at the horn for not paying the said Sir Robert 1000 merks as principal and 100 merks of expenses; also against Hectour Rutherfurd in Bankend, Thomas Laidla in the Hauch, Robert Laidla in Peilbent, Alexander Laidla in the Schaw, Jaffray Laidla in Blakchester, Niniane Laidla in Bromebank, Andro Laidla there, Margaret Anislie in Edzerstoun, Robert Robsoun there, William Rutherfurd, called Natie's Willie, there, Waltir Rutherfurd there, Johnne Rutherfurd in Toftis, Johnne Rutherfurd in Edzerstoun, George Rutherfurd there, Thomas Cowman in , Lancy Colman in Kamheid, Thomas Coilman there, Gawin Coilman there, Andro Colman there, James Coilman there, Meg Doun there, Johnne Patirsoun in the Mylne, Johnne Henrysoun in the Mylne, Hob Lie in , William Ellot of the Rig, George Patirsoun in Bankend, Thomas Rutherfurd in Righeid, Thomas Laidla there, Martene Warrik in Peilbent, William Laidla in the Schaw, Adam Laidla there, Pait Laidlay in Blakchester, William Laidla there, William Coilman there, and Robert Laidla in Sonneysyde, for lying since 24th June last at the horn for not flitting from the lands of Edzerstoun with the mill thereof, to the effect pursuer and his tenants might enter thereto peaceably.—Charge had been given to the said Helene Grumeslaw, Robert Ker, her son, Johnne Rutherfurd in Edzerstoun, George Rutherfurd there, Waltir Rutherfurd there, William Rutherfurd, called Natie's Willie, Johnne Rutherfurd of the Toftis, Robert Robsoun there, Margaret Anislie there, Martene Warrik in Peilbent, George Patirsoun in Bankend, Hector Rutherfurd there, Thomas Rutherfurd in Righeid, Thomas Laidla there, William Laidla in the Schaw, Adam Laidla there, Pait Laidla in Blakchester, William Laidla there, William Cowman there, Alexander Laidla in the Schaw, William Laidla in Brumbank, Thomas Laidla in the Hauch, and Robert Laidla, now in Bromebank, to answer this day; and now, pursuers appearing by Archibald Douglas, defenders, failing to appear, are to be apprehended. Page 314. Page 315.

Charge to Robert Pattullo and others.

There being some variance between Robert Pittillok at the Mill of Kynnochtrie, and William Pittilloch, his brother, on the one part, and Andro Small in the Kirkland of Ketins, and Andro Small, his son, on the other part, there is order to charge both parties to appear before the Council on , to underlie such order as shall be given to them.

Acta 1608-9. Page 316. Complaint by Patrik Kello, servitor to Harie Wood of Bonytoun, that Alexander Wood, servitor to Sir David Wood, son of late Patrik Wood of Bonytoun, armed with sword, gauntlet, and platesleeve, assaulted him on the calsay of Edinburgh on 2nd April last at 9 o'clock at night, gave him a "deidlie stryk in the heid," and left him for dead.—Pursuer appearing personally, defender, failing to appear, is to be denounced rebel. Patrick Kello against Alexander Wood for assault.

Complaint by Robert Pittillok at the Mill of Kynnochtree, and William Pittillok, his brother, as follows:—On Sunday 22nd October last, Andro Small in the Kirkland of Ketines, accompanied by Thomas, William, George, and Andro Smallis, his sons, Andro Gray of Bulyeoun, Andro Ogilbe in Ketines, and Thomas Small in Nether Corstoun, with others, all armed with swords, gauntlets, jacks, steel bonnets, lances, spears, and platesleeves, being informed that the pursuers were to repair the said day to their own parish kirk of Ketines, waylaid them between the said kirk and their house in Kynnochtrie, and would have slain them if they had attended the kirk that day. Finding themselves disappointed on that occasion, the said Andro Gray, and William, George, and Andro Smallis, sons of the said Andro Small, elder, armed as above, and hounded out by the said Andro, elder, came on 25th November last to the said William Pittillok in the open market of Couper in Augus and gave him two "deidlie woundis in the hind heid." Farther, the defenders have, every Sunday since 22nd October last, made convocation of their friends at the said parish kirk, so that complainers dare not repair to the said kirk.—Robert Pittillok appearing for himself and his said brother, and the said George Small, Thomas Small in Airdlair, Thomas Small in Nether Corstoun, and Andro Ogilvy in Kethyns, being also present, but the other defenders failing to appear, the Lords find the part of the complaint touching the hurting of the said William Pittillok to be clearly proven against the said Andro Gray and William Small only, and order them to enter into ward in the tolbooth of Edinburgh within six days after the charge, under pain of rebellion, but assoilzie all the defenders from the other points of the complaint. They also ordain the defenders present to find caution for the indemnity of the pursuers, each in 1000 merks, and to remain in Edinburgh till they find the said caution, under pain of horning. Robert and William Pattullo against Andrew Small and others for assault and oppression. Page 317. Page 318.

Sederunt—Chancellor; Bishop of St Androis; Mar; Bishop of Glasgow; Bishop of Ros; Bishop of Orknay; Saltoun; Torphechin; Bugcleuch; Blantyre; Halyruidhous; Master of Elphinstoun; Comptroller; Edzell; Quhittinghame; Bruntiland; Justice Clerk; Privy Seal; Collector; Advocate; Mr Petir Rollok; Logy; Sir Lues Craig; Foistersait; Sir Alexander Drummond; Sir Johnne Arnot; Sir William Hairt. Edinburgh, 27th December.

Page 319. There being a deadly feud between Thomas Reidpeth of that Ilk, Reidpeth, his son and apparent heir, Johnne, Patrik, and James Reidpethis, his brothers, George Reidpeth in Camrig, Thomas Reidpeth, his Charge to the Redpaths and the Haitlies to

appear and submit their feud to arbitration.

son, George Reidpeth in Rowchesterrig, Thomas Reidpeth in Elnatlaw, Acta 1608–9.
George Reidpeth in Rowingstoun, Roger Reidpeth there, William Reidpeth in Auldgrenlaw, and Reidpeth, his brother, on the one part, and Alexander Haitlie of Lambden, Alexander Haitlie of Hordlaw, Alexander Haitlie in Haliburton, and Robert Haitlie in Plewlands, on the other part, there is order to charge the said persons to appear before the Council on next, under pain of rebellion, prepared to submit their feud to arbitration, conform to the Act of Parliament.

Charge to the Earl of Orkney to answer for his long and manifold oppressions in Orkney and Shetland.

"Forsamekle as a grite many of the poore distressit people of Orknay and Zetland haveing divers tymes complenit to his Majestie and the Lordis of his Heynes Prevey Counsale upoun the most greveous and intollerable oppressionis committit upoun thame be Patrik, Erll of Orknay, who, without feir of God, reverence of the law, or regaird of his Majestie and his authoritie, hes banest a grite nomber of the saidis poore people the cuntrey, seasit upoun thair landis, rowmes, houssis, possessionis, goodis and geir, and detenis in miserable captivitie some otheris of thame, and suche of thame as hes obtenit decriteis and sentenceis aganis him and hes usit executioun theirupoun, he contempnandlie dissobeyis the same, and hes wilfullie past to the horn, whereat he hes remanit this lang tyme bigane, as he does yit, unrelaxt [see vol. vii. *per* Index]. And, seing the continowall outcryis and exclamationis of the saidis poore people, who so frequentlie repairis to his Majestie, gevis grite mater of scandell and reproche to this cuntrey, as gif oppressioun wer tolerated thairin; and his Majestie being loath that his distressit people sould not have the conforte and benefite of his Heynes releif, and that the proud, rebellious, and dissobedient sould Page 320.
not feill the wecht of his just wraith and indignatioun: thairfore ordanis letters to be direct chairgeing the said Erll be oppin proclamatioun at the mercat cross of Edinburgh, peir and schore of Leith (delivering a copie to his procuratouris and agentis heir resident, quhilk salbe als sufficient and lauchfull as gif he wer personalie chairget), to compeir personalie before the saidis Lordis upoun the secund day of March nixt to cum, to answer to the complaintis of the saidis poore people, and to gif all dew and reasonable satisfactioun unto thame quhilk in law, reasoun, and conscience may be justlie demandit of him; quhairthrow his Majestie be no forder troublit nor importuned with thair complaintis and petitionis: certifeing the said Erll, and he failyie and compeir not the day foirsaid, that commissionis salbe grantit to suche of the saidis supplicantis as hes soght the same for the persute of him and reduceing of him by force and extremitie of justice to his Majesteis obedience."[1]

[1] For the immediate occasion of this order of Council see Royal Letter of date 6th December 1608.—Patrick Stewart, Earl of Orkney, the subject of the letter and order, was a second cousin of the King, being a son of a natural son of James V. For about forty years he had been a kind of independent potentate or tyrant of the Orkney Islands. For prior mentions of him of various kinds, see these volumes by the Indexes. Meanwhile the following, from a contemporary Scottish writer, quoted in Chambers's *Domestic Annals of Scotland* (i. 460), may be of interest:—"He had a princely and royal revenue; and indeed behavit himself with sic sovereignty, and, gif I durst say the plain

Commissions, 1607–1616. Fol. 19, b.

As William Stewart, son of the late Sir William Stewart, who was brother of the late James, Lord Stewart of Newtoun, remains as yet unrelaxed from hornings to which he had been orderly denounced on 17th and 24th August last for not answering before the Council touching his "setting disperatlie" on the late James, Lord of Torthorwald, in the burgh of Edinburgh, with a "half long sword," and giving him "a deadlie straik behind his bak, quhairof he immediatlie partit this lyfe," commission, signed by the Chancellor, Earl of Mar, and Bishop of Saint Androis, is given to James, Earl of Abercorne, and Johnne Carmichaell of Medoflatt, Captain of Crawfurd, to apprehend the said rebel and to enter him before the Council. Commission to apprehend William Stewart for slaying Lord Torthorwald.

Fol. 20, b.

Another commission, signed as in last, to James, Earl of Abircorne, Robert, Lord Creichtoun of Sanquhair, sheriff of Drumfreis, William Creichtoun of Ryhill, his depute, Sir Johnne Hammiltoun of Lettrik, sheriff depute of Lanerk, Sir Robert Gordoun of Lochinvar, Sir Robert Dalzell of Eliok, Alexander Gordoun of Hill, William Hammiltoun of Bordland, and James M°Math of Auchinsow, to apprehend Johnne Weir of Over Quhytecleuch, Mungo Weir, his brother there, Petir Weir in Rig, and Margaret Weir in Bagre, who are the subject of a former commission of 8th December last (*ante*, p. 204) for having slain Johnne Hammiltoun, burgess of Edinburgh. Commission to apprehend John Weir and his associates, sued for murder.

Sederunts, Fol. 74, b.

The proclamation signed by his Majesty against exporting wood and timber being read, the Lords think meet that a letter should be written to his Majesty showing that no timber is exported out of Scotland, and that the making of such a proclamation may induce other Princes from whose bounds this country is furnished with timber to make the like proclamation and so to deprive this country of the benefit it has by foreign timber imported for domestic use.—See the Letter, dated 29th December, among the *Royal and Other Letters*. Anent the exportation of timber.

Warrant relieving the Laird of Bombie of his ward in the city of St Androis, and ordaining him to repair to Edinburgh, therein to remain till he pay 100 merks to the King as a fine imposed on him for the "insolence" committed by him on Gilbert Brown. Laird of Bombie and Gilbert Brown.

Warrant to George Johnnstoun, minister at Ancrum, giving him liberty to repair to Edinburgh and attend on his actions till Candlemas next, on promise that he repair not to presbyteries or synods. George Johnstone, minister at Ancrum.

The commission and instructions anent the Isles read and allowed. Anent the Isles.

verity, rather tyrannically, by the shadow of Danish laws, different and more rigorous nor the municipal or criminal laws of Scotland; whereby no man of rent or purse might enjoy his property in Orkney without his special favour, and the same dear bought. . . . Filtchit and forgit faults was so devisit against many of them that they were compellit by imprisonment and small rewaird to resign their heritable titles to him; and, gif he had a stieve purse and no rent, there was some crime devisit against him, whereby he was compellit [to give up] either half or haill thereof, gif not life and all beside. And his pomp was so great there [in Kirkwall] as he never went from his castle to the kirk, nor abroad otherwise, without the convoy of fifty musketeers and other gentlemen of convoy and guard. And siclike, before dinner and supper, there were three trumpeters that soundit still till the first service was set at table; and siclike at the second service, and consequently after the grace. He had also ships directed to the sea, to intercept pirates, and collect tribute of uncouth fishers that came yearly to these seas. Whereby he made sic collection of great guns and other weapons for weir as no house, palace, nor castle, yea in all Scotland, were not furnished with the like."—More will be heard of him for some time.

Petition of John Buchannan.

The Lords resolve to crave his Majesty's advise in the matter of the petition of Johnne Buquhannane praying to be relieved of his ward within the bounds of Orknay.—See the Letter, dated 29th December, among the *Royal and Other Letters.* Sederunts, Fol. 75, a.

Edinburgh, 29th December.

Sederunt—Chancellor; Mar; Bishop of St Androis; Bishop of Ros; Bishop of Orknay; Saltoun; Bugcleuch; Blantyre; Halyruidhouse; Master of Elphinstoun; Privy Seal; Justice Clerk; Quhittinghame; Bruntiland; Advocate; Collector; Logy; Foistersait; Sir Alexander Drummond; Sir William Hairt; Sir Johnne Arnot. Acta 1608-9. Page 320.

Charge to the burgh of Dumfries not to persist in the reset of Border fugitives and outlaws.

Notwithstanding the many good Acts against the reset of fugitives and outlaws, a great many of the fugitive limmers and thieves of the Middle Shires of this kingdom are frequently resetted in the burgh of Drumfreis, where they are not only furnished with all things necessary, but repair publicly to the market places and streets, never challenged or apprehended by the magistrates or by any other inhabitant of the said burgh. This being "verie undewtifull" in the said burgh,—"quhilk is a corporatioun and a hole body airmed with pouer and strenth to mantein and conserve thair toun from suche rottin memberis, tratouris to God, thair Prince, and cuntrey, so [as] thay cannot eschew the imputatioun of manifest disloyaltie and ingratitude, and to be repute most unworthy of the libertie and privelegeis of a frie corporatioun quhen suche rottin and pestiferous memberis, so infective aganis the hole body, ar fosterit and nureist in thair bowellis,"—there is order to charge the whole inhabitants of Drumfries, by open proclamation at the market cross of the same, not to reset any fugitives and outlaws of the late Borders whose names shall be publicly intimated at the proclamation thereof, but, in case any of them repair to the said burgh, to commit them to ward in their pledge chamber, under pain of punishment if they fail. Page 321.

Thomas Roughhead and his spouse against Bartholomew Home and Nicol Bruntfield for debt.

Action by Thomas Roucheid, merchant in Duns and burgess of Edinburgh, and Katherine Wilsone, his spouse, against Bartilmo Home, younger, portioner of Symprene, for lying since 7th July last at the horn for not paying them 80 merks as principal and £20 of expenses; also against Nicoll Brounfeild of Quhythous for lying since 15th July at the horn for not paying them £32 as principal and £10 of expenses.— Pursuers appearing by Archibald Douglas, defenders, not appearing, are to be apprehended. Page 322.

Agnes Howison against Patrick Barron for debt.

Action by Agnes Howesoun, relict of Johnne Moffet, burgess and maltman of Edinburgh, against Patrik Barroun, portioner of Old Listoun, for lying since 7th February last at the horn for not paying her 100 merks as principal and £20 of expenses.—Pursuer appearing by Archibald Douglas, defender, failing to appear, is to be apprehended. Page 323.

James Dalzel and John Adamson

Action by James Dalzell, merchant, burgess of Edinburgh, and Johnne Adamsoun, merchant, burgess there, against Johnne Maxwell of Conhaith and Edward Maxwell of Hillis for lying under hornings of 7th and 8th

Acta 1608-9. March last for not paying Dalzell 6000 merks as principal and £400 of expenses; also against Johnne Gordoun of Traquhen for lying since 1st September last under horning for not paying Adamsoun 1000 merks as principal and £100 for expenses.—Charge had been given to the last two defenders to answer; and now, pursuers appearing by Archibald Douglas, defenders, not appearing, are to be apprehended. against Maxwell of Conhaith and others for debt.

Page 324.

Action by Patrik Porteous in Cumnok against Patrik Barroun in Kilpunt-mill for lying since 19th November last under horning for not paying him £39 as principal and 20 merks for expenses.—Pursuer appearing personally, defender, failing to appear, is to be apprehended. Patrick Porteous against Patrick Barron for debt.

Page 325.

Sederunts, Fol. 75, a. Warrant granted to Mr David Calderwode to attend on the Lairds of Cranstoun, elder and younger, notwithstanding his confining. Mr David Calderwood.

Commissions, 1607-1616 Fol. 22, b. As James Forrester and Frances Forrester, brother-sons of Thomas Foster of Strathanrie, Johne Foister, son of the Laird of Strathenrie, and Robert Douglas, servitor to Sir George Douglas of Kirkness, continually bear hagbuts and pistolets, commission, signed by the Chancellor, is given to William, Earl of Mortoun, David, Lord of Scone, captain of the guard, and Sir Robert Hepburne, lieutenant thereof, to apprehend said persons and bring them before the Council. Edinburgh, December 1608. Commission to apprehend James Forrester and others for bearing firearms.

Sederunt—Chancellor; Mar; Bishop of St Androis; Bishop of Ros; Torphechin; Bugcleuch; Blantyre; Halyruidhouse; Master of Elphinstoun; Privy Seal; Justice Clerk; Quhittinghame; Bruntiland; Logy; Mr Petir Rollok; Sir Alexander Drummond; Foistersait; Sir Johnne Arnot. Edinburgh, 3rd January 1609.

As the Lords of Secret Council are informed that , Lord Douglas, Robert Douglas of Cashogill, Douglas, his son and apparent heir, Douglassis, also his sons, George Douglas of Glaspen, Johnne Douglas in Andershaw, David Douglas in Glaspen, George Douglas there, Chairlis Douglas, their brother, James Douglas, merchant in Edinburgh, James Douglas of Clapertoun-mill, James Inglis of Braidlie, George Inglis, his brother, Douglas, Lord Torthorwall, Archibald Douglas, his brother, Johnne Hammiltoun and James Simsoun, servants to old Lady Torthorwall, Johnne Douglas in Pleasance, Douglas of Maynis, Mr Archibald Douglas, parson of Peblis, Douglas, his son, bear deadly hatred to Andro, Lord Stewart of Uchiltree, for the late slaughter of James, Lord Torthorwall (*ante*, p. 215), whereof he professes to be most innocent, and as his Majesty cannot "abyde the reviving of that uglie monster of deidlie feid in this kingdome," there is order to charge the said persons to appear before the Council on , to answer for keeping the peace, and for doing nothing against the said Lord but by the ordinary course of law and justice, under pain of rebellion. —Connect with Royal Letter of 23rd December 1608. Charge to the Douglases to forbear their feud against Lord Stewart of Uchiltree for the alleged slaughter of Lord Torthorwald.

Page 326.

James Dunbar, messenger, against Alexander Tulloch and others for assault and carrying fire-arms. Decree of absolvitor.

Complaint by Sir Thomas Hammiltoun, for the King's interest, and by James Dumbar, messenger, as follows:—The said Dumbar having repaired to Alexander Tulloch of Boighoill for the execution of letters against him, Tulloch, knowing that Dumbar would immediately repair to the burgh of Forres for publication of the said letters at the market cross thereof, hounded out Johnne Dumbar, brother of Alexander Dumbar of Westfield, sheriff of Murray, and William Cuik, his servant; who, armed with swords, gauntlets, and platesleeves, and with hagbuts and pistolets, came riding on horseback after the said James Dumbar, and, having overtaken him, pursued him for his life, and would have slain him if he had not been relieved. Farther, the said persons have almost on every day of the first nine months of this year carried hagbuts and pistolets, and so contravened the Acts of Parliament.—Both parties appearing, the Lords assoilzie the defenders, because the pursuers have failed in proof. Acta 1608-9. Page 327.

Commission to apprehend John Forbes and others of "The Societie of the Boyis," sued for slaughter.

As Johnne Forbes, son of William Forbes in Logyfintray, William Forbes, son of Johnne Forbes in Mylnebowy, Johnne Hurrie, sometime of Petfichie, and James Keyth of Kynaldy, called the "Societie of the Boyis," continue still unrelaxed from the horning to which they were put on 3rd July 1607, on letters raised by Elspet Irwing, relict, Duncane Merser in Pitmownie, William Merser, saddler, burgess of Abirdene, and Johnne Merser in Inver, brothers, of the late Robert Merser in Tombeg, and by Sir Thomas Hammiltoun of Bynnie, King's advocate, for not finding caution to answer before the justice for the slaughter of said Robert, a commission, signed by the Chancellor, Earl of Mar, and the Bishop of St Androis, is given to Sir Robert Douglas of Glenbervie, James Gordoun, fiar of Newtoun, Johnne Gordoun of Drumrossie, Sir Johne Wishert of Pittarro, Alexander Dumbar, fiar of Culboyaik, Robert Hay in Porlethin, and Arthour, Lord Forbes, to apprehend the said rebels and enter them before the justice. Commissions, Fol. 21, a.

Edinburgh, 5th January 1609.[1]

Sederunt—Mar; Bishop of St Androis; Earl of Murray; Wyntoun; Lotheane; Forbes; Saltoun; Halyruidhouse; Blantyre; Master of Elphinstoun; Edzell; Quhittingham; Privy Seal; Justice Clerk; Logy; Collector; Sir Lues Craig; Foistersait; Advocate; Sir James Sandielandis; Sir William Hairt. Acta 1608-9. Page 327.

John Seton against Stewart of Craigyhall for debt.

Action by Johne Seytoun, tailor, burgess of Edinburgh, against Harie Stewart of Cragyhall, for lying since 10th December last at the horn for not paying him £600 as principal and 100 merks for expenses.—Pursuer appearing personally, defender, not appearing, is to be apprehended. Page 328.

[1] "Upon Thursday the fyft of Januar the wind did blow so boysterouslie that the like was not heard in the memorie of man. Houses in burgh and land were throwne doun with the violence of it, trees rooted up, corne stackes and hay stackes blowne away. Some men passing bridges were drivin over violentlie and killed. The wind continued vehement many dayes and weekes, even till mid-Marche, howbeit not in the same measure that it blowed this day."—Calderwood, vii. 3.

Acta 1608–9.

Action by Sir Johnne Leirmonth of Balcomie against William Leirmonth, apparent of Darsie, for lying since 4th October last at the horn for not fulfilling to him the obligation specified in the letters of horning. Page 329. —Pursuer appearing by Waltir Hay, defender, not appearing, is to be apprehended. Sir John Learmonth of Balcomy against Learmonth younger of Dairsy.

Action by James Dalzell, merchant, burgess of Edinburgh, against Mark Swyntoun, provost of Inverkething, for lying since 23rd December last at the horn for not paying him £455, 5s. 4d. as principal and £40 of Page 330. expenses.—Pursuer appearing by Archibald Douglas, defender, not appearing, is to be apprehended. James Dalzell against Mark Swinton for debt.

Johne, Earl of Tullibardin, has lately apprehended Allan Oig M°Intuach in Glenco. As this Allan "wes one of the principall and personall executouris of that maist odious, barbarous, and detestable boutcherie and slauchter committit be Clan Gregour upoun his Majesteis good subjectis at Glenfrone [see vol. vi. pp. 534, n., 535, n.], and with his awne hand he murdreist and slew, but pitie or compassioun, the nomber of fourty poore personis quho wer naiked and without airmour"; and as "in the haill course and progres of his bypast lyf he hes so exerceisit himself in thift, murthour, reif, and oppressioun as he is most unworthie to be sufferit ony longer to braith the ayr of this country": therefore the said Earl, "in regaird of his awne honnour and credite, and for dischairge of his dewtie to the Kingis Majestie," ought to surrender the said Allane to the Council for trial and punishment. Accordingly, there is order to charge the Earl to enter the Page 331. said Allane before the Council on , under pain of rebellion. Charge to the Earl of Tullibardine for the entry of Allan Oig M°Intuach, notorious for his concern in the Slaughter of Glenfruin.

Complaint by Jeane Crawfurd, spouse to Johnne M°Dowell of Logane, and by the said Johnne for his interest, as follows:—Robert Campbell in Potterstoun, having been put to the horn on 8th April last for not entering in ward in the tolbooth of Edinburgh, there to remain till order had been taken with him for the "insolence" done by him to the said Jeane, has remained most proudly at the horn ever since. Now, as he is tenant to David Campbell of Skeldoun, and Chairlis Campbell, his son, fiar thereof, Page 332. they are responsible for his entry.—Pursuer appearing personally, and the said Chairlis being also present, but David failing to appear as charged, the order is to denounce the said David; but the Lords assoilzie the said Chairlis, because he has given his oath that he is not infeft in the fee of any part of his father's lands. Jean Crawford and her spouse against David Campbell and his son for not answering for one of their men.

Complaint by Sir Thomas Hammiltoun, for his Majesty's interest, and by Johnne M°Dowell of Logane, and Patrik M°Culloch, his servant, as follows:—Robert Campbell in Potterstoun had been put to the horn for Page 333. not answering touching his "dinging of the said Johnne M°Dowellis spous af hir horse, and sua birseing hir with his kneis, handis, and feit, that sho pairtit with bairne [supra]." Now, on the 17th of July last, the said Campbell, Chairlis Campbell, younger of Skeldoun, David Campbell, his brother, Quintene Campbell in Leffinleuchie, Johnne Campbell in Potterstoun, William (? Neillie) Campbell, brother of the defender, William Campbell in Freirden, David M°Crunctie in Poclewane, Andro and Quintene MacDowall of Logan and his servant against Charles Campbell and others for assault and violence.

Patonis in Yelmanstoun, and others to the number of fifteen persons, armed with swords, daggers, and gauntlets, having learnt that the complainers had gone to their parish kirk of Dalrumple, and that after the sermon they were to repair to the burgh of Air, to embark to the West Isles for attending the King's Lieutenant, waylaid them at the said kirk, and, when they had come furth thereof, invaded them for their lives, wounded the said Patrik in the shoulder, and slew M°Dowell's horse under him with swords.—Pursuers appearing personally, and the said Chairlis Campbell, younger of Skeldoun, Quintene Campbell in Leffanleuch, Nellie Campbell, brother of the said Robert, Quintene Patoun, and William Campbell in Frudene, being also present, and the said Chairlis Campbell appearing as procurator for the said Johnne Campbell in Potterstoun and producing a testimonial of his disease and inability to travel, and the said Robert Campbell in Potterstoun failing to appear, the Lords assoilzie the defenders present and also Johnne Campbell in Potterstoun, because the pursuers have failed in proof against them, but ordain Robert Campbell in Potterstoun to be denounced rebel. They further ordain Chairlis Campbell of Skeldoun and Johnne M°Dowell of Logane to find lawsurety *hinc inde* under pain of 2000 merks, and the said Chairlis to find caution not to reset the said Robert Campbell under said pain. They also ordain the Laird of Logane to find caution not to bear fire-arms in time coming, under said pain. Parties are required to find caution before they leave Edinburgh, under pain of horning.

Acta 1608-9.

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Page 335.

Edinburgh, 10th January.

Sederunt—Bishop of Saint Androis; Mar; Lotheane; Bishop of Orknay; Torphechin; Blantyre; Halyruidhous; Master of Elphinstoun; Privy Seal; Justice Clerk; Advocate; Collector; Quhittinghame; Bruntiland; Mr Petir Rollok; Foistersait; Sir Alexander Drummond; Sir Michaell Elphinstoun; Sir William Hairt; Sir Johnne Arnot; Conservator.

Charge to the Earl of Atholl to answer for breaking his ward.

"Forsamekle as, the appeirand danger of the brek of his Majesteis peace and the disquieting of the estaite of the cuntrey haveing moved the Kingis Majestie to gif ordour for the commiting of the present Erll of Athoill within the Castell of Edinburgh, thair to haif bene detenit unto suche tyme [? as] the suirtie of the cuntrey wer providit for, [but] his Majestie tharefter persaveing quhat small benefite did arise be his retentioun in waird, and how unhable he wes to dischairge that place he wes borne to, and that his awne simplicitie had procurit the contempt and disdanfull dissobedience of suche who ever accustumat heirtofoir to serve and follow the formair Erllis of Athoill, and that brokin men and soirnairis did daylie increse within his boundis, his Majestie thairfore did send for him: And, at his comeing to his Heynes, without ony motioun maid be his Majestie thairof, he, acknawlegeing his awne unhabilitie for suche a place, humelie intreated his Majestie that his Heynes wald disburdyn him of this supportable chairge, and thairupoun did then subcryve a band, yit extant: But,

Acta 1608-9. quhill some forder ordour wer concludit for setling of that busynes and providing of some fit worthy man for that place, his Heynes did returne the said Erll of Athoill in the chairge of Waltir, Lord Blantyre, haveing directit his Heynes warrant for this effect, within the Castell of Dunbertane, thair to have remanit untill suche tyme as boith he wer unlaidnit of that whiche he wes not able to beir, and his creditouris satisfeit at whose instance he wes arreistit in his former waird: His Majestie haveing thairwithall remitted unto the said Lord of Blantyris discretioun the useing of that warrant as he sould think meit, ather be
Page 336. the entrie of the said Erll of Athoill in waird or saulff retening of him in his awne company to be furthcumand. And now, as his Majesty is informit, the said Lord of Blantyre being too credulus of the utheris honnestie, and trusting over fer unto him quhose facilitie did deserve no suche credite, reteyned him at his awne house, dreameing of nothing les then that he durst have interprysit ony suche foolishe course as to have eschaiped. Nevirtheles, the said Erll, forgetfull of his awne credite and honnour and of that dewtie quhilk he aucht to his Majestie, hes craftelie and quietlie convoyed himselff frome the said Lord of Blantyre, and hes reteirit himselff to some pairtis in Athoill or Stratharne; quhair he remainis at his pleasour. Whose folie as it can not be ane apologie for him in this cais, so his Majestie will have none of his subjectes to presome at thair awne hand to tak libertie quhen thay are at commandiement, his Majestie holding this form of eschaip in that same qualitie as the brek of his Majesteis waird; and thairfore ordanis letters to be direct, chairgeing the said Erll of Athoill to compear personalie before the saidis Lordis upoun the xxiiii day of Januair instant to answer to the premissis, and to undirly suche ordour thairanent as salbe thocht expedient, undir the pane of rebellioun."[1]

Charge to the Master of Tullibardine and others to answer for aiding the Earl of Atholl in his escape.

His Majesty being informed that William, Master of Tullibardin, Johne Grant of Frewche, and Mr James Stewart, commissary of Dunkeld, have been the plotters of the escape of the Earl of Athoill and have supplied and accompanied him since, though they cannot be ignorant of the said Earl's restraint by his Majesty's directioun, there is order to
Page 337. charge the said persons to appear before the Council on 24th instant to answer to the premisses, under pain of rebellion.

Commission to try Malcolm Bower and others, accused of murder.

Commissions, Fol. 22, a. Malcolme Bower, collier in Airth, Johnne Bower, his brother, and James M°Kinlach, flesher there, having been apprehended by Sir Johne Bruce of Arth for the slaughter of James Mows, mariner in the Ferry of Portincraig, committed on 7th instant in the town of Arth "under clud and silence of nicht," commission, signed by the Bishop of St Androis, Lord of Torphichin, Master of Elphinstoun, and the Privy Seal, is given to the said Sir Johne to put the said persons to the knowledge of an assize and to minister justice accordingly.

[1] For this Earl of Atholl and his antecedents see vol. vii. by Index; and connect the present order more immediately with Royal Letter of 30th December 1608.

Edinburgh, 12th January 1609.

Sederunt—Chancellor; Mar; Lotheane; Wyntoun; Bishop of St Androis; Bishop of Ros; Uchiltree; Elphinstoun; Cathcairt; Torphechin; Roxburgh; Lowdoun; Bugcleuch; Blantyre; Halyruidhouse; Master of Elphinstoun; Edzell; Quhittinghame; Bruntisland; Justice Clerk; Privy Seal; Advocate; Collector; Mr Petir Rollok; Preistfield; Clerk of Register; Sir Lues Craig; Foistersait; Sir Alexander Drummond; Sir Johnne Arnot; Sir William Hairt. Acta 1608-9. Page 337.

Charge to James Melville and John Ramsay for keeping the peace.

As some controversy has lately fallen out between James Melvill of Fedinche and Johnne Ramsay of Pryourlethame, and as at the repairing to the kirk of Saint Androis for "heiring of the sermone" they assemble their friends in arms on purpose to provoke each other, there is order to charge both, under pain of rebellion, to answer before the Council on , and in the meantime not to repair to the said kirk.

George Angus, burgess of Ayr, against the magistrates thereof, for unlawfully denuding him of his municipal rights and freedom, and punishing him with fine and imprisonment.

Complaint by George Angus of Brighous, burgess of Air, as follows:— Page 338. The provost and bailies of the said burgh have conceived malice against him because, at their late election, he used his liberty of dissenting therefrom. This he did because "he knew perfytlie that they pre-occupyit the voitis and opinionis of the people to thair electioun, that thay keipit conventiclis with certane noblemen who ar knawin to be scairshe weill affectit to the libertie and freedome of the said burgh and hes evir soght to have had the governement thairof constantlie establishit in the personis of thair freindis and familiaris within the same, and with thame consultit upoun the forme, meanis, and possibilitie how the said electioun sould be laid upoun thame"; also because "some of thame, for divers heynous offenssis committit be thame, wer, be consent, authoritie, and sentence of the toun, declairit incapable and unworthy to beir office within the same." On this account they have "socht all indirect meanis to procure his trouble and disquiet"; and, "to the effect that covertlie thay mycht draw him within the compas of thair censure, Adam Stewart, provost of the said burgh, upoun a forgeit querrell, began to upbraid the said complenair with mony injurious speitchis, calling him lowne, knave, and unhonnest. And, because the said complenair, finding himselff tuitchit in his honnestie (quhilk is more deir to him nor his lyff), simplie stood to the defence of his honnestie with a naiked comparisoun thairof to the said provest of Air (the said complenair reserving alwayis that dewtie whiche he aucht to him as his Majesties officiar), he and the bailyeis of the said burgh hes thairupoun buildit thair querrell aganis him, and committit him to waird, quhairin he is presentlie detenit; and for that same caus thay have verie summarlie gevin sentence aganis him, decerning him to forfalt his liberty and fredome within the said burgh, and to be incapable of ony office, functioun, or chairge within the same during his lyftyme, and nevir Page 339. exerce ony libertie thairin,"—under pain of 500 merks *toties quoties*, and farther to pay them 1000 merks of fine for his alleged offence, and to remain in ward in their tolbooth till he pay the same. Now, the said

Acta 1608-9. offence, being a simple comparison of the complainer's honesty with that of the provost, is not a crime inferring so hard a punishment, and the defenders have no power to inflict such pains for so frivolous an offence. No "inferiour judicatour" can impose so high pains on his Majesty's free subjects; and the Lords of Privy Council themselves, who sit in the most sovereign court next to Parliament, inflict such pains only on the most grievous offences, importing the break of the peace of the country and the violation of the Acts of Parliament. Farther, no formal process was ever led against complainer in this matter; "bot, being in the tolbooth, he wes than tane up to a over house be the said provest and bailleis, and thair thay producit thair sentence againis him." Should it be alleged that this sentence proceeded on a band made by the complainer whereby he submitted himself to their will for the offence foresaid, his answer is that the said band had been "maist craftelie extortit" from him during his imprisonment by the said bailies. They "delt with him to mak the said submissioun; whiche he simplie did, being alwyse of opinioun that thair
Page 340. censure and the determinatioun of thair will sould have bene answerable to the nature and qualitie of his offence, and that thay sould not sa fer [have] exceidit the boundis of modestie and discretioun as to haif manifestit thair particulair humouris and partiall dispositioun be so rigorous and seveir a sentence, whiche hes not a warrand of ony preceiding observatioun in this kingdome." Further, when he made the said band, he took instruments that it was done by him while lying in prison; and shortly afterwards he revoked it judicially in a fenced court. On these grounds their decree ought to be annulled and the complainer restored to his liberty.—Charge had been given to Adame Stewart, provost, and to David Crawfurd and Johnne Oisburne, bailies, to appear and answer, bringing with them the complainer and the decree foresaid; and
Page 341. now, pursuer appearing personally, and said David Crawfurd, George Cochrane, dean of guild, Johnne Dumbar, treasurer, and Johnne Lokhart, one of the council, appearing for the defenders, the said decree is produced. It is dated 27th December 1608, and bears that the said George is deprived of his freedom within the said burgh, and shall not bear public office therein under pain of £100 *toties quoties*, and that in future he shall behave himself reverently to the provost, bailies, council, officers, kirk, and session of the said burgh, under the pain of 500 merks *toties quoties*, and that for his contempt to the provost and bailies on 22nd October last he shall pay 1000 merks to the treasurer, to be employed in repairing the common works of the burgh, and further that he shall come publicly to the market cross as appointed and satisfy for his said offence by his
Page 342. humiliation. Whereupon the Lords sustain the said decree, except in the point touching the fine of 1000 merks. From the payment of this the pursuer is assoilzied. The defenders are also decerned to set him at liberty.

The provost and bailies of Ayr against George Angus for various acts of violence.

Complaint by Sir Thomas Hammiltoun, for his Majesty's interest, and by Adam Stewart, provost of Air, David Crawfurd, baillie there, and David Fergushill, merchant, burgess there, against George Angus, notary in Air,

for violating the Acts against bearing fire-arms, as follows:—(1) On 23rd January 1601, the said Angus, with divers others, all armed with swords, gauntlets, and platesleeves, and with hagbuts and pistolets, came to David Smyth, mariner, in his house in Air, put violent hands on him, and carried him captive to the goodman of Holinstone's place, where they detained him till he had paid them a ransom of . (2) In 1605 the said George, armed with a hagbut, came to the town of Newtoun and discharged it divers times at inhabitants thereof. (3) In September 1606, the bailies and council of the said burgh having appointed certain persons to cleanse certain houses infected with the "plague of pestilence," the said George, armed with sword, gauntlet, and long hagbut, came to the said "clangeris," and first "upbraidit" them, and then presented a "bendit hagbute unto them." (4) On 1st August last, Angus, with convocation of the lieges, armed with swords, gauntlets, and platesleeves, and with hagbuts and pistolets, came to the Little Meadows, lying beside the Brighouse, and belonging to the said David Fergushill, where certain of his servants were mowing the same, and chased them away and cast the whole mown hay in the water called Corruthane Burn.—Both parties appearing, Angus, in answer to the first article, produces a commission, under the subscription of Ludovik, Duke of Lennox, high admiral of this kingdom, giving him power to apprehend David Smyth, as an alleged pirate, suspected guilty of the stealing of "ane flie bote" called the Jonas, belonging to Johnne Howie, merchant, burgess of Birrame, furth of the harbour of Birrame, called the Moo, in Norrway, as the said commission dated 21st January 1601 bears. Whereupon the Lords assoilzie Angus from that point of the said complaint. They also assoilzie him from the second and third articles, because the pursuers have failed in the proof; and they remit the fourth article to the judge competent thereto.

Acta 1608-9.

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Cheyne of Pennan against Fraser of Philorth, craving suspension of horning.

Complaint by James Cheyne of Pennane, as follows:—He is put to the horn by virtue of letters raised by Alexander Fraser, apparent of Philorth, for not answering touching his alleged coming to Fraser's lands of Abirdour, and there tramping down the corns thereof with his horse and houghing certain oxen belonging to Fraser. Now, as he was never lawfully charged to answer to the complaint, never heard of it till long after the denunciation, and had found caution to answer on 12th January under pain of 1000 merks and to pay to the Treasurer 100 merks for his escheat, the said letters should be suspended.—Pursuer appearing, but not defender, the Lords do suspend the letters.

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Samuel Birse, writer, against Haig of Bemerside.

Action by Samuell Birs, writer, against James Haig of Bimersyde for lying since 20th September 1608 at the horn for not paying him 800 merks.—Pursuer appearing by Archibald Douglas, defender, not appearing, is to be apprehended.

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Patrick Nimmo against James Gordon.

Action by Patrik Nymo, tailor, burgess of Edinburgh, against James Gordoun of Hessilfeild for lying since 25th June last at the horn to which he had been put for not relieving the pursuer at the hands of Johnne Flemyng, servitor to dame Jeane Flemyng, Countess of Cassillis, of the

Acta 1608-9. payment of £100 as principal and £30 for expenses.—Pursuer appearing personally, defender, not appearing, is ordered to be apprehended by the
Page 348. Captain of the Guard.

The waulkers of Edinburgh against the bonnetmakers of the Canongate. Decree for the defenders.

Complaint by Johne Hill, deacon of the waulkers of Edinburgh, Bessie Heriot in the Silver-mill, Johnnet Gilleis at Bell's Mill, and the brethren of the bonnet-makers within the said burgh, as follows:—Johnne and Patrik Heriotis, and the other bonnet-makers in the Cannogait, have lately charged the pursuers to waulk all such stuff as they shall present to them, under pain of horning (*ante*, p. 201). Now, the said waulkers have the said two mills in tack, whereof divers years are yet to run; and the said bonnet-makers of Edinburgh, the said waulkers being workers to them, have been in peaceable possession of the said two mills these divers years bygone, "and na unfremen hes bene sufferit to have thair geir walkin at the saidis mylnes, bot onlie fremen burgessis of Edinburgh." Moreover, the bonnet-makers of the Cannogait have their own mills at Craighall and Rosling and other places about this town, where their work has been wrought these 30 years bygone, never to this hour impeded by the complainers. Further, the bonnet-makers of the Cannogait, being unfreemen, without order or government, and not subject to burden in any public affairs, can have no privilege at the said two mills during
Page 349. the years of the tack yet to run; "bot thay preis to incrotche upoun the saidis bonnet-makers of Edinburgh thair libertie and fredome, who ar a nomber of poore frie men, and according to thair mean power beiris burdyn in all publict effairis of the burgh of Edinburgh, and sua to disposses thame of thair tua mylnes without a lauchfull tryall or cognitioun preceiding." Yet more, the defenders have never presented any of their work to the said waulkers, "bot hes simplie chargit thame with the saidis letters of horning," purposely to get them to the horn. Still, for obedience, the complainers have found caution in 100 merks to waulk all such work as shall be presented to them by the defenders, if it be found they ought, the complainers' own tacksmen being first served. Wherefore the said letters of horning ought to be suspended.—The said Johnne Hill, and Thomas Patersoun, deacon of bonnet-makers of Edinburgh, appearing for the pursuers, and the said Johnne and Patrik Heriotis, and Thomas and David Wyleis, bonnetmakers in the Cannogait, for the defenders, and these latter
Page 350. having produced the letters of horning abovewritten, with the decree whereupon the said letters proceeded, and the said letters and decree having been considered, the Lords find both to be orderly directed, and ordain the same to be put to farther execution during the years to run of the said tack only, with the condition that the bonnet-makers of Edinburgh shall have the privilege to be first served at the said two mills.

Mr William Murray and Mr John Scrymgeour, ministers, against Sibbald of Letham for

Action by Mr William Murray, parson of Dysert, and Mr Johnne Skrymgeour, sometime minister at Dysert, and now at Kinghorne, against David Sibbald of Lethame for lying since 7th December last at the horn for not paying them, in name of the session and eldership of the burgh
Page 351. of Dysert, 200 merks as principal and £40 of expenses.—Pursuers

debt to the kirk-session of Dysart.

appearing by Archibald Douglas, defender, not appearing, is to be apprehended. Acta 1608-9.

Thomas Annand in Dundee against Forrester of Garden for debt.

Action by Thomas Annand, merchant, burgess of Dundie, against Sir James Forrester of Carden for lying since 3rd September last at the horn for not paying him 1200 merks as principal and £80 of expenses.—Pursuer appearing by Archibald Douglas, defender, not appearing, is to be apprehended. Page 352.

To denounce James Dalrymple and others for not appearing as witnesses in an action.

James Dalrumple, brother of Johnne Dalrumple of Stair, Hew Crawfurd, servitor to George Crawfurd of Lefnoreis, George Crawfurd, younger of Auchincors, Alexander Wylie in Dykis of Newtoun, David Crawfurd, bailie of Air, Fergus Slowane in Air, and Johne Caldow, merchant there, failing to appear this day, as charged, to bear witness in the action pursued by Sir Thomas Hammiltoun, for the King's interest, and Williame Kennedy, "handsenzie" to captain William Stewart, against Johnne and Gilbert Bannatynes, sons of the late Johnne Bannatyne in Mayboill, touching their bearing of hagbuts and pistolets, and setting upoun said William Kennedy at the Newtoun of Air, are to be denounced rebels. Page 353.

William Pringle against William Dewar for debt.

Action by William Pringle in Cokilferry against Williame Dewart in the Cannogait, for lying since 3rd January instant at the horn for not paying him 300 merks as principal and £20 of expenses.—Pursuer appearing personally, defender, not appearing, is to be apprehended. Page 354.

Kennedy of Culzean against Quinten Mure and others for resetting the murderer of pursuer's father.

Complaint by James Kennedy of Culzeane that, notwithstanding the printed edicts and proclamations against resetting Thomas M°Alexander in , and his accomplices, who murdered Sir Thomas Kennedy of Culzeane, complainer's father, yet; continually through 1605, 1606, 1607, and 1608, Quintene Mure of Auchneill, Patrik Mure, his eldest son, Johnne M°Dowell of Freuch, Alexander M°Dowell of Baljarge, Adam Johnnstoun, Robert Dalrumple, Henry Dalrumple, Robert Gotray, Henry Oisburne, David Blakwood, George Bell, and Jacharie Bell, burgesses of Air, have resetted and intercommuned with the said malefactor.—Pursuer and George Bell appearing personally, and the charge against Bell having been departed from, the Lords ordain the other defenders to be denounced rebels for not appearing. Page 355.

John and Gilbert Bannatyne against Alexander Kennedy for bearing and using fire-arms. Decree of absolvitor.

Complaint by Sir Thomas Hammiltoun, for the King's interest, and by Johnne Bannatyne, messenger in , and Gilbert Bannatyne, his brother, as follows:—Alexander Kennedy, brother of the Laird of Culzeane, having been denounced rebel for shooting with hagbuts and pistolets at the said Johnne and Gilbert, still remains at the horn "maist proudlie," assisted by William Kennedy, "handsenzie" to Captain William Stewart; who, having left the said Captain's service in Ireland, has returned to the west of this realm and openly defends the said rebel in his rebellion. Thus, on December last, both of them, armed with swords and gauntlets, and with hagbuts and pistolets, came to the town of Air, of intention to bereave the said Johnne and Gilbert of their lives; which they had not failed to do "wer not be the providence of God thay eschaiped."—Charge had been given to the said William to answer; and Page 356. Page 357.

Acta 1608–9. now, both parties appearing, the Lords assoilzie defender, because, the matter having been referred to his oath of verity, he has sworn that the charge is not true.

John Martin against John Dunbar, messenger, for oppression and falsehood.

Complaint by Sir Thomas Hammiltoun, for the King's interest, and by Johnne Mairtene in Camfuird, as follows:—Notwithstanding the divers Acts of Parliament for punishing officers of arms committing "falsetis and oppressioun" against any of the lieges in the execution of their offices, Johnne Dumbar, messenger in Wigtoun, under pretence of letters raised at the instance of Sir Johnne Dumbar of Mochrum against many persons in the west country, requiring them to find caution not to reset Alexander
Page 358. and William Mureis, rebels, under pain of horning, took occasion at his own hand, without any warrant, to charge a great number of persons not mentioned in the said letters, including the said Johnne Mairtene, to come and find the said caution. "The said Johnne Mairkie [? Mairtene] being ane auld decrepit man, havelie troublit with grite seiknes and not abill to traveill," the said messenger expected "to have ressavit some gayne and proffeit and maid his advantage."—Both parties appearing, the Lords ordain the defender to be committed to ward in the tolbooth of Edinburgh, there to remain at his own expenses till order be taken with him for the said crime.

Laird of Bomby.

Sederunts. fol. 75, b. Licence to the Laird of Bombie "to pas af the cuntrey."

Edinburgh, 17th January.

Acta 1609. (Jan.–July.) Page 359. *Sederunt*—Chancellor; Bishop of St Androis; Bishop of Ros; Uchiltrie; Elphinstoun; Blantyre; Halyruidhous; Torphechin; Master of Elphinstoun; Quhittinghame; Bruntiland; Justice Clerk; Privy Seal; Advocate; Clerk of Register; Logy; Collector; Sir Alexander Drummond; Foistersait; Sir Johnne Arnot.

Liberation of John Dunbar, messenger, from his imprisonment.

Johnne Dumbar, messenger (see above), now acknowledges his error "with a most humeble, sorowfull, and penitent hairt." It proceeded from "meir simplicitie"; the said principal letter having been sent to him by the Laird of Mochrum "with a roll of the personis contenit thairintill quhome he desyrit the said Johnne to chairge, in the whiche roll this Johnne Martene wes insert." Hence, "simplie and foolishlie gevand credite to the roll and not examining the same with the principall letter," he had used the charge against the said Martene, "hoiping assuiredlie that his name had bene alswele insert in the letter as in the roll." In these circumstances he humbly
Page 360. prays to be released.—Dumbar, being brought out of the tolbooth, is examined before the Council, confesses his offence, and humbly craves pardon. The Lords remit him to be censured by the Lyon King of Arms and his brother heralds; and, as he becomes bound in 100 merks to fulfil the sentence they may pronounce, the Lords also ordain the provost and bailies of Edinburgh to put him to liberty.

William Bertram and others against Roland Lindsay.

Complaint by William Bartrum, portioner of Neisbit, Gilbert Hammiltoun, portioner thereof, and , his spouse, as follows: (1) In August

1607 Rolland Lindsay, portioner of Nesbitt, armed with sword, lance, gauntlet, and platesleeves, came to the said Gilbert in his own meadow, pursued him for his life, and ran his spouse through the arm with a lance. (2) In July last, Rolland led three horses with slaids and carts through Gilbert's unmown meadow, therewith destroying the growth that year. (3) In , Lindsay came to Bartrume's lands in Nesbitt, "cuttit his thre horse teddiris," and drove them, with his other bestial, on the said William's corns. (4) In September last, Archibald Lindsay, his son, with divers others, gathered at night his said father's whole bestial and drove them on Bartrume's corns, thus destroying his whole growing corns the said year.—Pursuers appearing personally, but defenders failing to appear, the Lords hold the said complaint as confessed by them, and order them to be charged to enter in ward in the tolbooth of Edinburgh, within six days after the charge, under pain of rebellion. Acta 1609. (Jan.–July.) Page 361. Page 362.

Edinburgh, 19th January.

Soluerunt.—Chancellor; Bishop of St Androis; Lotheane; Wyntoun; Uchiltrie; Elphingstoun; Torphechin; Blantyre; Bugcleuch; Quhittinghame; Justice Clerk; Privy Seal; Advocate; Collector; Mr Petir Rollok; Bruntiland; Sir Alexander Drummond; Sir Lues Craig; Sir Johne Arnot.

George Patoun against Hew Maxwell and Stevin Currour for debt.

Action by George Patoun against Hew Maxwell, younger of Teling, and Stevin Currour, fiar of Logy-Megill, for lying since 15th July last at the horn to which he had been put for not paying pursuer, as assignee to Johne Patoun in Ferroquhy, 600 merks as principal and 200 merks of expenses.—Pursuer appearing by Archibald Douglas, defenders, not appearing, are to be apprehended. Page 363.

Mr Robert Lindsay against Livingstoune younger of Donypace for debt.

Action by Mr Robert Lindsay in Leith against Sir James Forrester of Carden, and David Levingstoun, fiar of Donypace, for lying since 7th July last at the horn for not paying him 745 merks as principal and £100 of expenses.—Charge had been given to the latter defender only to answer; and now, pursuer appearing by Alexander Douglas, defender, failing to appear, is to be apprehended. Page 364.

Nicoll Moncreiff against Wardlaw of Torrie and son for debt.

Action by Nicoll Moncreiff, his Majesty's servitor, against Andro Wardlaw of Torrie, and Andro Wardlaw, fiar of Torrie, his son, as principals, and Mr Patrik Wardlaw of Pitgornow, his second son, as cautioner for them, for lying since 31st December last at the horn for not paying him 4200 merks.—Charge had been given to said Andro, elder, and Mr Patrik to answer; and now, pursuer appearing by Archibald Douglas, defenders, failing to appear, are to be apprehended. Page 365.

James Dalzell of Edinburgh against Jerdane of Apilgirth and his spouse for debt.

Action by James Dalzell, merchant, burgess of Edinburgh, against Sir Alexander Jerdane of Apilgirth, and dame Jeane Stewart, his spouse, for lying since 22nd December last at the horn for not paying him £1340, 14s. 10d., as principal, and 200 merks of expenses.—Pursuer appearing by Archibald Douglas, defenders, failing to appear, are to be apprehended. Page 366.

Mr Henry Anderson of

Action by Mr Henry Andirsone, merchant, burgess of Perth, against

Acta 1609. (Jan.–July.)

Waltir Geddes and Johne Myretoun, merchants, burgesses there, for remaining at the horn for not paying him £704 as principal and £40 for expenses, as mentioned in their letters obligatory to him, of date 14th October 1607.—Charge had been given to Myretoun only to answer; and now, pursuer appearing by Mr Olipher Colt, advocate, defender, failing to appear, is to be apprehended. Perth against John Myretoun there for debt.

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Action by Mr Thomas Mawer, advocate, and Issobell Quhytlaw, his spouse, against Mr Alexander Sym, advocate, for lying since 3rd instant at the horn for not paying them 1000 merks and the byrun annuals thereof, with 100 merks for expenses.—Pursuer appearing personally, defender, failing to appear, is to be apprehended. Mr Thomas Mawer, advocate, against Mr Alexander Sim, advocate, for debt.

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Action by Mr Oliver Colt, elder, advocate, against David Lindsay of Brabmonth for lying since 18th February 1608 at the horn for not paying him the principal sum of £107, gold and silver, money of Scotland, with the annualrent thereof for 1605, 1606, and 1607 (at the rate of £10, 14s. yearly, being in all £32, 2s.), conform to the said David's obligation dated 28th February 1605, and to decree of the Council of date 25th August 1607.—Pursuer appearing personally, defender, failing to appear, is to be apprehended. Mr Oliver Colt, advocate, against David Lindsay for debt.

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Action by George, Earl of Dumbar, treasurer, and Sir Johnne Arnot of Berswik, his depute, against the following persons for remaining unrelaxed from hornings of 4th and 7th for not delivering to the master coiner the quantities of silver and bullion underwritten:—Hectour Patoun, burgess of Glasgow, as principal, 1 lb. 12¼ oz.; James Neilsoun, burgess there, 14½ oz.; Johnne Neilsoun, burgess there, as surety for the late Arthour Allen, 3 lbs. 8¼ oz.; Robert Semple of Close, as principal, 2 lbs. 10½ oz.; Robert Grenhill, as cautioner for Johnne Clerk and Mathew Gogorsyde, 2¾ oz.; James (? Robert) Watsoun, as surety for the late James Tempill, 2 lbs. 1½ oz.; Margaret Stewart, as executrix of her late spouse, James Gibsoun, who was surety for Johnne Layng in Dainling, 1 lb.—Charge had been given to Johnne Neilsoun, Robert Semple, and Margaret Stewart to answer; and now, Sir Johnne Arnot appearing, defenders, failing to appear, are to be apprehended. The King's treasurer against John Neilson and others for defaults to the treasury.

Page 370.

Complaint by Sir Thomas Hammiltoun, for the King's interest, and by Mr Robert Irwing of Moncoffer, as follows:—After "mony insolenceis" committed on the said Mr Robert, and Alexander Irwing of Drum, his brother, by Johnne Forbes of Logy, Willie Forbes, called of Mylnebowy, Patrik Forbes, his brother, Johnne Bowis, servitor to Johnne Forbes of Logy, Alexander Touch, servitor to the said Willie, and Alexander Wat, companion to the said Patrik, all rebels, these persons, at last resolving to have the said Mr Robert's life, first attempted to burn him in his own house, and then, being disappointed thereof, and learning that on 9th October last he was to keep a tryst in name of his said brother with James, Earl of Murray, on the lands of Fintrey and Kynmukis, came long before the said day to the house of Chairlis Chalmer of Wester Fintrey, partaker with them in their wicked actions; where their horses were "put Mr Robert Irvine of Moncoffer against John Forbes and others for oppression and riot.

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to dyet," and themselves entertained to the said 9th. Then the defenders, accompanied by the said Chairlis, and Waltir Wood, his brother-in-law, "mascat thair faces, buskit and cled thameselffis in plaidis, laip upoun the saidis dyet horssis, dernit themeselffis in the hieway betuix Fintrey and Kintore," and there, armed with swords, gauntlets and jacks, and with short hagbuts and pistolets, fiercely set upon Mr Robert and his servants, discharged a great number of shots of hagbuts and pistolets, and would have slain them if they had not escaped.—Charge had been given to the defenders abovewritten to answer to this complaint, as also to Andro Curry in Wester Fintrey, Johnne Murray there, Thomas Tailyeoure in Fintrey, and Waltir Fowller there, to appear this day as witnesses, under pain of rebellion; and now, pursuers appearing personally and passing from the complaint against said Chairlis Chalmer, the other defenders and the witnesses, for failing to appear, are to be denounced rebels. Acta 1609. (Jan.–July.) Page 372.

Suspension of horning in favour of Maxwell of Cowhill and his brother, charged with reset of Lord Maxwell.

Complaint by Archibald Maxwell of Cowhill, and Johnne Maxwell, his brother natural, as follows:—Letters of horning have been decerned against them at the instance of Sir Thomas Hammiltoun, for his Majesty's interest, for not appearing to answer touching their alleged keeping company with Johnne, Lord Maxwell, taking part with him in all his attempts, and being the two men in the country from whom he has had the most frequent reset since the proclamation made against him for his treasonable forcing of the castle of Edinburgh, and wounding the porters thereof. Now, as the complainers were never lawfully charged to answer, would have compeared and purged themselves if they had been so charged, and found caution to answer this day to the said charge, and also because the said Archibald is to re-enter in his present ward, under pain of £1000, and the said Johnne in his, under pain of £500, the said letters of horning should be suspended.—Pursuers appearing personally, and Sir Thomas Hammiltoun and Sir Johnne Arnot being also present, and the latter having demanded of the pursuers if they had resetted the said Lord since the time of his denunciation, and pursuers having declared that, though they were his servants two years before he had broken ward and attended him for a short time after his breaking of ward, they had left him six weeks before the slaughter of the Laird of Johnnstoun and had had nothing to do with him since, the Lords ordain them to find caution to underlie the Council's censure for being in company with the said Lord since his denunciation, and also not to reset him hereafter during his rebellion, the said Archibald under pain of 2000 merks and his brother under pain of 1000 merks. They suspend the said letters of horning; and there is caution in 1000 merks by Sir Robert Maxwell of Spotis for the said Archibald and Johnne that they shall underlie and fulfil the said censure. Page 373. Page 374. Page 375.

Edinburgh, 27th January. Convention of Estates.[1]

Sederunt—The Earl of Dunfermling, chancellor, and the Earl of

[1] This was the great Convention of Estates that had been appointed originally for 6th Dec. 1608 (*ante*, p. 173), but had been prorogued till now. Among the preparations for it had been those four letters from the King to the Convention and one to the Coun-

Acta 1609. (Jan.–July.)

Dumbar, treasurer, COMMISSIONERS. BISHOPS: Saint Androis; Glasgow; Dunkeld; Abirdene; Ros; Galloway; Brechin; Caithnes; Dunblane; Isles; Orknay; Ergyle. EARLS: Crawfurd; Mar; Montrois; Cassillis; Glencairne; Linlithqu; Perth; Wigtoun; Kinghorne; Lotheane. LORDS: Saltoun; Uchiltrie; Cathcairt; Torphechin; Roxburgh; Lowdoun; Colvill; Scone; Bugcleuch; Blantyre; Burley; Halyruidhouse; Gairleis; Master of Tullibardin. OFFICERS OF STATE: Comptroller; Justice Clerk; Privy Seal; Advocate; Collector; Clerk of Register; Treasurer-depute; Justice-depute. BARONS: Wauchtoun; Drumlangrig; Innerweik; Dundas; Kilsyth; Dunnypace; Polmais; Keir; Kynnaird; Balnamone; Balmayne; Balvaird; Bogy; Balcomie; Northberuik; Houstoun; Carnell; East Nesbit; Calderwood; Blakbaronie; Audy. COMMISSIONERS FOR THE BURGHS of Edinburgh, Perth, Dundie, Abirdyne, Stirling, Air, Saint Androis, Glasgow, Linlithqu.[1]

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In conformity with the King's letter dated at Whytehall 9th January 1609 and addressed to the "nobilitie, clergye, and commonis of that oure kingdome of Scotland, now presentlie conveyned," nominating the Earl of Dunfermling, chancellor, and the Earl of Dumbar, treasurer, to be Commissioners for this Convention [see the Letter among *Royal and Other Letters*], the Estates with all reverence allow of his Majesty's choice and give the said Earls their places accordingly.—Printed in full in *Acts of Parl.* iv. p. 405–6.

Earls of Dunfermline and Dunbar, commissioners for the King at this Convention.

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His Majesty having expressed in the said Letter "his most godlie and religious dispositioun" to advance the true faith and to "suppresse all contrarie professouris," and also having expressed his approbation of the proceedings of the late General Assembly kept at Linlithqu, the Estates, for the farther strengthening of the conclusions of the said Assembly, ordain as follows:—(1) Pedagogues of youth going abroad to have a testimonial of piety from their bishop; the exercises of idolatrous religion not

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to be attended abroad; youths without a tutor to be sent only where the true religion is professed; parents not to maintain their children who become papists abroad. (2) Those who embrace a false religion abroad to be incapable of holding office in Scotland. (3) Excommunicated persons

Statutes for advancing the true religion and suppressing papistry.

cil, all of the date 9th January 1609, and those four subsequent Royal Letters of the 13th and 22nd January, which may be read among the *Royal and Other Letters*. If these letters are read in connection with the abstract of the proceedings of the Convention which here follows, it will be seen how strictly the King had predefined the legislation expected from the Convention, and how obediently the Prelates, Earls, Lords, State-officers, Lairds, and Burgesses, present in such unusual number, attended to the directions of his Majesty. The Earl of Dunbar had arrived in Edinburgh on the 23rd of January to preside in the Convention as conjunct Commissioner with Chancellor Dunfermline; and the Convention had in fact been in session since the 24th, though its acts are all dated the 27th. For reflections on the Convention from a Presbyterian point of view, see Calderwood vii. 3–5.

[1] In the *Book of Sederunts* this Convention is dated 26th January; and on the day following, viz. 27th January, there is an entry *Sederunt ut in die predicto.*

not to enjoy possession of their lands, rents, and revenues, but these to be uplifted to the King's use. (4) The bishop of each diocese to send a roll of such persons annually to the treasurer and director of chancery, that they may refuse infeftments, brieves, etc. (*Acts of Parl.*, iv. pp. 406–407).—Compare with Royal Letters of dates 9th and 13th January 1609. Acta 1609. (Jan.–July.) Page 379. Page 383-4.

Secretary's register abrogated.

The Secretary's register, established by an Act dated at Falkland 31st July 1599, is hereby suppressed, as being unnecessary, and profitable to no one but the clerks (*Acts of Parl.*, iv. p. 407).—See Royal Letter of 9th January 1609. Page 379.

Export of coal forbidden.

The Acts of Parliament prohibiting the exportation of coal to be published anew by proclamation at the market cross of Edinburgh; and persons taking coals to England to find surety to return a certificate that they have really been landed there (*Acts of Parl.*, iv. p. 408).—See Royal Letter of 9th January 1609. Page 380.

Export of leather forbidden.

The Acts against exporting leather, yarn, and tallow, to be enforced (*Acts of Parl.*, iv. p. 408).—See Royal Letter of 9th January 1609. Page 381.

Manufacturing of iron with wood prohibited.

Certain veins of rich metal having been discovered in this kingdom, as also certain woods in the Highlands,—"whilkis wodis, by reasoun of the savagnes of the inhabitantis thairabout, wer ather unknawin or at the leist unproffitable and unused,"—and some persons being about to erect iron mills in the Highlands, to the utter wasting of the said woods, there is order that no one work or make iron with wood or timber (*Acts of Parl.*, iv. p. 408).—See two Royal Letters of 22nd January 1609. Page 382.

Fees for writs and seals.

Ratification of an Act of Council, dated 4th February 1606, fixing the prices to be taken by writers, clerks, keepers of seals, and others: contraveners to incur deprivation and be punished in person and goods (*Acts of Parl.*, iv. pp. 408–9).—See *ante*, vol. vii. pp. 164–177. Page 383.

Act anent measures.

The Act of Parliament (1587, c. 136) ordaining malt, bear, and oats to be measured hereafter by "straik" instead of by heap, and fixing the measures of the firlot and peck, to be enforced (*Acts of Parl.*, iv. p. 409). Page 384.

Commission anent the crime of ravishing and abduction.

In obedience to the King's letter, dated at Roistoing 22nd January 1609 [see it among *Royal and Other Letters*], commission is granted to Johnne, Earl of Mar, Johnne, Earl of Cassillis, George, Archbishop of Saint Androis, Johnne, Archbishop of Glasgow, James, Bishop of Orknay, Andro, Lord Stewart of Uchiltrie, Waltir, Lord of Blantyre, Sir Johnne Cokburne of Ormestoun, justice-clerk, Sir Thomas Hammiltoun of Bynnie, advocate, Sir Johnne Skene of Curriehill, clerk of register, Mr Johnne Prestoun of Fentounbarnis, collector, Carnegy of Kynnard, Sir William Levingstoun of Kilsyth, Mr Johnne Learmonth of Balcomie, James Weymes of Bogy, Sir Johnne Arnot, provost of Edinburgh, William Weylandis, commissioner for the said burgh, Mr Alexander Weddirburne, commissioner for the burgh of Dundie, and Johnne Lokhart, commissioner for the burgh of Air, to meet and confer on the contents of his Majesty's letter directed to the Estates "anent the cryme of revishing of wemen," Page 385. Page 386.

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and to report their opinions and overtures thereanent to the next Parliament (*Acts of Parl.*, iv. pp. 409–410).[1]

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Sederunt—Chancellor; Bishop of Glasgow; Craufurd; Mar; Montrois; Cassillis; Glencairne; Linlithqu; Wigtoun; Kinghorne; Lowthean; Saltoun; Uchiltrie; Cathcairt; Torphechin; Roxburgh; Scone; Bugcleuch; Blantyre; Halyruidhous; Burley; Gairleis; Bishop of Abirdene; Bishop of Brechin; Bishop of Galloway; Bishop of the Isles; Comptroller; Privy Seal; Justice Clerk; Advocate; Collector; Constable of Dundie; Balvaird; Kilsyth; Polwart; Mr Petir Rollok; Foistersait; Sir Johne Arnot; Sir William Hairt. Edinburgh, 28th January.

Act fixing the places of priority due to the Chancellor and the Treasurer.

"Forsamekle as it is undirstand to the Lordis of Secrite Counsale that in all weill governit commounweelis, staitis and kingdomes, thair hes bene and presentlie is a verie comelie and loveable forme, custome, and ordoure observed, quhairby the cheif and principall officeairis and magistratis in the Estait ar regairdit and respected with those preeminenceis and prioriteis proper and dew to thair placeis and chairgeis, and that in thair going abroad in the cuntrey thay do cary some speciall markis and baigeis quhairby they ar knowne, dignosced, and accordinglie respected and reverenced: quhilk loveable forme and observatioun hes no doubt bene in custome in this kingdome, howsoevir now of lait it is become in dissuetude: and the saidis Lordis acknowlegeing the Kingis Majesteis most gratious cair, will, and pleasour to have this lovable custome revived, alswele for the credite of the officeris beiring the principall chairge and office in the kingdome, as for the honnour and estimatioun of the same: Thairfore the saidis Lordis, following his Majesteis most gratious directioun in the mater, findis it verie meete, necessar, and expedient, and thairwith

[1] There were other results from this memorable Convention of Estates than appear from this formal record of its Acts. The Bishops had taken the opportunity of their being together for separate consultation on the affairs of the Kirk; and the issue of their deliberations was that Gavin Hamilton, Bishop of Galloway, was sent to Court to convey to his Majesty the impressions of the Bishops as to what had passed at the Convention and their private recommendations for his Majesty's further ecclesiastical proceedings. The secret instructions given to the Bishop of Galloway, penned by Archbishop Spotswood, and signed by him "by warrant and at the desire of the rest of my lords the Bishops," are printed by Calderwood (vii. 5–8), from the original in Spotswood's hand found among the Bishop of Galloway's papers after his death. Among other things the Bishop was to urge his Majesty to require perfect submission and acknowledgment of fault from the confined and exiled Presbyterian ministers before showing them any favour—"otherwise thay sall undoe all that has beene hitherto followed for the peace of the Church"; also to remember the suit of the Bishops for the restoration of Kirkmen to their places in the College of Justice; also to cause the Edinburgh pulpits to be patent to the Bishops during sittings of Parliament; also not to restore Mr John Murray (see previous entries by index) to his charge of Leith, but, if he were to be released from his imprisonment, to send him into distant seclusion; also ("which may make the reader to muse," says Calderwood) to take some new course for enforcing with the utmost rigour the laws against the carrying of guns or pistols by any of the lieges.—Altogether, both by what was openly done and by what resulted more privately, the Episcopal cause had been much advanced by the holding of the Convention.

statutis and ordanis, that, as his Majesteis Chancellor doeth cary before him his Heynes grite seale inclosit in a poik, of the quhilk forme his Heynes by his letter direct to the saidis Lordis hes testifeit his good allowance, that so in lyk maner the said Chanceller, now present and who salbe for the tyme, sall haif a mase of silver overgilt borne before him; and siklyke that his Majesteis Thesaurer of this kingdome, now present and quha salbe for the tyme, sall at all suche tymes as he hes occasioun to repair to ony of his Majesteis Counsellis and Conventionis or uther publict meetingis, or sall come ony way abroad in ony of the streitis of ony burgh, citie, or toun of this kingdome, sall cary a small walking rod or stalff in his hand, and sall caus cary a silver maice overgilt by ane immediatlie going before him:—as speciall notes, baigeis, and markis of the placeis whiche thay posses. As alsua that the said Thesaurair, now present and quho salbe for the tyme, in respect of his office sall haif the nixt place to the Chancellor of this kingdome in all sessionis, meetingis, or ony uther tyme quhen thair may be distinctioun of ony preeminanceis; and that boith the Chancellor and Thesaurer in all tyme heirefter, albeit these officeis happin to be possest be some undir the degrie of noblemen, sall not the les, in regaird of thair placeis and induring thair continewance in the same, tak the prioritie, boith in sitting, voiting, and walking, above ony subject in this kingdome."—Connect this Act with Royal Letter to the Council of date 9th January preceding. Acta 1609. (Jan.–July.) Page 389.

Act against destroying woods or selling timber to foreigners.

The Lords of Secret Council are informed that his Majesty, "for the weele of this his Majesteis kingdome and for the suirtie of his Heynes estate," intends "to agment his Heynes navy by building of some schippis heir." It is therefore "verie necessar and expedient that the woodis and tymmer moist fit for that use be preservit, and noway waisted, distroyed, or utherwyse sauld to foreynais, of quhome the returne of ony suche commoditeis in this kingdome can noway be expectit." Hence, "his Majestie haveing selectit and maid choise of the wodis within the schirefdomes of Perth, Tarbet, Invernes, and Caithnes, quhilkis for the use foirsaid his Heynes wald have reserved, sua that by the seale of the same to strangeris his Heynes intentioun for building of a navie, so honnorable and proffitable for this estaite, be not impedit"; and his Majesty, moreover, "intending to gif all dew satisfactioun to the just awnairis that becomeith": the Lords ordain open proclamation to be made at the market crosses of the head burghs of the said shires, discharging all the lieges, owners of the said woods and forests, from selling or cutting down any of the woods within the said bounds for the use of any except the King's own subjects and within his dominions, under pain of confiscation of all the goods pertaining to contraveners.—Connect with Royal Letter of 22nd January 1609. Page 390.

To denounce Margaret Kennedy and others for not appearing as witnesses

With reference to the King's letters raised by Johnne, Earl of Cassillis, and to his pains "for discoverie of the obscuir and hid meanis of the murthour of umquhill the Tutour of Cassillis, and of the secund murthour of umquhill William Dalrumple, quhilk fell out upoun occasioun of the Page 461.

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murdour of the said Tutour," and in consideration that there are "mony presumptionis and probabill lykliehoodis" pointing to Johnne Mure of Auchindrane, and James Mure, his son, as the murderers, charge had been given to Margaret Kennedy, spouse of said Johnne, to Johnne Mure in Corrarie, and to Waltir Mure in Glenheid of Auchindrane, to appear before the Council this day as necessary witnesses in the said case.—None of them now appearing, the order is to denounce them rebels.

respecting the murders of which Mure of Auchindrane and his son are suspected guilty.

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"The quhilk day George, Earl of Dumbar, Lord Home of Berwick, etc., thesaurair of the kingdome of Scotland, and one of the Kingis Majesteis most honnorable Prevey Counsale of England, exponit and declairit unto Alexander, Erll of Dunfermlyne, lord heich chanceller of Scotland, that it wes the Kingis Majesteis most gratious will and pleasour, in consideratioun of the good proofe his Heynes hes had of the said Lord Chancelloris integritie and sufficiencie, to admit him to be one of his Majesteis Prevey Counsale of the realme of England. And, becaus his Majesteis effairis in this kingdome could not permit the said Lord Chancellair to repair to court, that thairfore his Heynes had gevin warrand and authoritie unto the said Erll of Dumbar to gif unto him the oath of a Prevey Counsellour of England, and to admit him to be on the said Prevey Counsale, as the said warrant signed be his sacred Majestie, produceit and schawin be the said Erll of Dumbar, and beiring date at his Heynes Palace of Westminster the fourt of Januair 1609, beiris. The said Erll of Dunfernelyne acknowlegeing with all dew reverence and most humble thankis his Majesteis most gratious favour schawin unto him, he, in presence of the said Erll of Dumbar, and of Johnne, Earl of Mar, Lord Erskin, etc., who is lykwyse one of his Majesteis said honnourable Prevey Counsale of England, maid his solemne oath with all dew reverence, upoun his kneis, his hand lyand upoun the holie evangell, in the forme, tennour, and substance following, as it wes deliverit unto him be the said Erll of Dumbar:—'I, Alexander, Earl of Dunfernelyne, do sweir to be a trew and faithfull servant unto the Kingis Majestie as one of his Prevey Counsale;

Edinburgh, 30th January. Admission of the Earl of Dunfermline to be of the Privy Council of England.

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I sall not know or undirstand of ony maner thing to be attemptit, done, or spokin againis his Majesteis persone, honnour, crowne, or dignitie royal, bot I sall let and withstand the same to the uttermaist of my power, and ather caus it be reveilled to his Majestie himselff or to such of his Prevey Counsale as sall adverteis his Heynes of the same. I sall, in all thingis to be moved, treated, and debaited in Counsell, faithfullie and trewlie declair my mynd and opinion according to my hairt and conscience, and sall keip secrete all materis committed and reveled unto me, or that salbe treated of secretlie in Counsell. And, gif ony of the saidis treatyis or counsallis sall tuoche ony of the Counsellouris, I sall not reveill it unto him, bot sall keip the same untill suche tyme as, by the consent of his Majestie or of the Counsell, publicatioun salbe maid thairof. I sall to my uttermost beare faith and allegeance to the Kingis Majestie, his heiris and lauchfull successouris, and sall assist and defend all jurisdictionis, pre-

heminceis, and authoriteis granted unto his Majestie and annext to his crowne, aganis all foreyne princes, personis, prelatis, or potentatis, by Act of Parliament or utherwyse. And, generallie, in all thingis I sall do as a faithfull and trew servant and subject ought to do to his Majestie. —So help me God, and by the holie contentis of this book.'— After the geving of the whiche oath, the said George, Erll of Dumbar, according to the power, warrant, and commissioun granted unto him be the Kingis most sacred Majestie, ressaved and admited the said Alexander, Erll of Dunfernelyne, to be one of the said Prevey Counsale of England, sua that frome hench furth he may use the title and style of a Prevey Counsellour of England, as utheris his Majesteis Counsellouris dois."—Follows his Majesty's letter directed to the Earl of Dumbar for the effect abovewritten, ordaining him, as he is "now for oure speciall service to mak a jorney into Scotland," and is a member of the Privy Council there as well as in that of England, to admit the Earl of Dunfermlyn to be also of the Privy Council of England, so that his Majesty may "use his advice" in his English affairs as there may be cause.[1]

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Edinburgh, 2nd February.

Sederunt—Chancellor; Bishop of Saint Androis; Bishop of Glasgow; Bishop of Dunblane; Bishop of Caithnes; Bishop of Brechin; Craufurd; Mar; Montrois; Cassillis; Wyntoun; Lynlithqu; Abircorne; Kinghorne; Saltoun; Uchiltrie; Elphinstoun; Torphechin; Roxburgh; Bugcleuch; Blantyre; Halyruidhouse; Gairleis; Master of Elphinstoun; Comptroller; Privy Seal; Constable of Dundie; Quhittinghame; Kilsyth; Bruntiland; Logy;[2] Polwart; Sir Lues Craig; Sir Alexander Drummond; Sir Johne Arnot.

Persons in arrears to be sued for payment of taxation.

The first three terms of the taxation granted to his Majesty in 1606 (*Acts of Parl.*, iv. p. 289–90) having been appointed to be paid to Sir James Hay of Kingask, comptroller and collector of the said taxation, on days now bygone, there is order to charge all persons owing any part of the said terms to pay what they owe to the said collector within twenty days after the charge, under pain of rebellion.

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Order for payment of taxations due for certain districts on the Borders.

In consequence of the "undewtifull behaviour" of Johnne, Lord Maxwell, the following taxations due to his Majesty for the bounds of Eskdaill, Ewisdaill, and Wauchopdaill remain still unpaid: viz. (1) the 200,000 merks granted to his Highness in December 1597 (*Acts of Parl.*, iv. p. 142); (2) the 100,000 merks granted in February 1601; (3) the first three terms payment of the taxation granted in July 1606 (*Acts of Parl.*, p. 289); and (4) the taxation granted for the use of Dunbertan (*Acts of Parl.*, iv. p. 316). The Lords of Secret Council, finding no man so meet

[1] This new honour to Chancellor Dunfermline was intended as a signal proof that, whatever representations against Dumfermline had been made to his Majesty by Archbishop Spotswood and others (see *ante*, pp. 167, 203, footnotes), his Majesty retained confidence in him, and would not conjoin him, as the Bishops had hoped, with the fallen Balmerino.

[2] Does not appear in the corresponding list in the *Book of Sederunts*.

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to collect the same as Sir William Cranstoun, one of his Majesty's commissioners on the Borders and captain of the garrison, choose and ordain him for that effect; and all and sundry within the said bounds who are liable for the said taxations are to be charged to pay him the following sums for every poundland of old extent in the said districts—viz. 40s. per poundland in the first taxation, 20s. per poundland in the second taxation, 20s. per poundland in the third taxation, and 5s. per poundland in the fourth taxation,—and that within twenty days after the charge, under pain of rebellion.

Anent the trial of the Lairds of Auchindrane for murder.

The Lords, "for some speciall considerationis," continue till Wednesday next, 8th instant, the diet appointed to the Lairds of Auchindrane, elder and younger, for their compearance before the justice in the tolbooth of Edinburgh to underlie the laws for the murder of the Tutor of Cassillis and William Dalrumple. Accordingly, the justice and justice-clerk are to send the said persons back to their wards.

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Warrant to apprehend Scott of Abbotshall for debt.

As Sir James Scot of Abotishall remains unrelaxed from a horning of 3rd December last for not paying to Robert Wynrahame, agent in Edinburgh, £164 as principal and £40 of expenses, to which Wynrahame had been appointed assignee by George Cowstoun, cook in Edinburgh, there is warrant to the Captain of the Guard to apprehend the said rebel and inventory his goods.

Page 396.

Decree against Forrester of Queenshaugh for debt.

Similar warrant in the case of Jacharie Forrester of Quenishauch, at the horn since 13th December last for not paying to Alexander Tailyefeir, merchant, burgess of Edinburgh, £50 as principal and £20 of expenses.

Page 397.

Decree against Maxwell of Drumcolteran for not paying maills, &c.

Similar warrant in the case of George Maxwell of Drumcolterane, at the horn since 2nd May 1607 for not paying to Alexander Maxwell, son of the late Edward Maxwell of Drumcolterane, the maills and duties of the merkland of Quhythill from 1589 to 1595 inclusively, and the maills and duties of the lands of Little and Mekle Coklaikis for the years 1594 and 1595, and also for not delivering to him twenty-four kye and a bull or the profits thereof, with £20 of expenses and £5 for the Lords' collectors.

Page 398.

Decree against James Hamilton for debt.

Similar warrant in the case of James Hammiltoun, mariner in Burrowstounes, as principal, and James Hammiltoun, his good brother, as surety for him, both at the horn since 25th November last for not paying David Lentron in Saint Androis 516 merks as principal and £40 of expenses.

Page 399.

Decree against Livingstone of Dunipace for debt.

Similar warrant in the case of David Levingstoun, younger of Donypace, at the horn since 28th December last for not paying Gilbert Hay, merchant, burgess of Edinburgh, £216 as principal and £40 of expenses.

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Finlay MacCulloch against Dunbar of Mochrum for wrongous imprisonment.

Complaint by Finla M'Culloch in Shalcarroch, that Sir Johnne Dumbar of Mochrum apprehended him in January last, "layed him in yrnis in a dungeoun," and still detains him in prison without cause.—Complainer appearing by James M'Culloch, his procurator, and the defender personally, the latter alleges that he had apprehended complainer "reid hand with the fang," for stealing a young black cow of two years old, belonging to Henry M'Culloch in Eileir, and would have instantly tried him by an assize, according to the privilege of his infeftment, if urgent

Page 401.

business had not called him to Edinburgh. It is answered by the complainer's procurator that complainer is a very honest man, that the cow was his own and "had raikit away frome him some dayis afoir," and farther that he is willing to underlie the laws for the alleged theft before the said Laird of Mochrum himself if some neutral person shall be conjoined with the said Laird. Accordingly, the Lords, with consent of both parties, conjoin Alexander, Lord of Garleis, with the said Sir Johnne, ordaining them to try complainer by an assize on 23rd instant, in the ordinary place of holding courts in the barony of Mochrum, without prejudice to Sir Johne's privilege of justiciary specified in his infeftment. In the meantime, Sir Johne is to release complainer by 7th instant, because his said procurator has become bound in 1000 merks for his appearance for trial on 23rd instant. Page 402.

Decree against Robert Crosser for debt.

Robert Corsser of the Bray in Hassingtoun having been at the horn since 12th December 1607 for not paying to James Diksoun, servitor to Mr Alexander Gibsoun of Wester Grantoun, one of the clerks of session, as assignee to George Diksoun of Harlaw, the sum of £116, there is warrant to the Captain of the Guard for his apprehension.

Decree against George Hardie for debt.

Similar warrant in the case of George Willok in Jakistoun, as principal, and George Hardie in Baneillis, as surety for him, at the horn since 24th December 1605 for not paying to Robert Sibbald in Banchrie 200 merks as principal, £20 for registration of their obligation, and £20 for expenses. —Pursuer appears by Archibald Douglas, but defenders are not present. Page 403.

Decree against Montgomery of Scotston for debt.

Similar warrant in the case of Johnne Montgomerie of Scottistoun, at the horn since 27th March last for not paying Robert Montgomerie, apparent of Hessilheid, and Robert Montgomerie of Hessilheid, elder, his father and lawful administrator, 747 merks and 7s. as principal and £20 for expenses. —Pursuers appearing by Lourence Scot, defender does not appear. Page 404.

Alexander Miller against Leonard Blair for assault and houghing. Absolvitor.

Complaint by Alexander Miller in Strikmertine that, on 15th October last, while he was taking a load of corn to the mill of Strikmertine on a horse which he was leading by the hand, Leonard Blair in Balkak, forgathering with him at Balkake, "violentlie tuke him be the luge" with one hand, and, with a drawn knife in the other, swore "to cut his luge out of his heid,"—after which, by the providence of God some people staying him in that intention, he with the said knife "cuttit the said horse taill from him."—Both parties appearing, the Lords assoilzie defender, because pursuer has failed in his proof. Page 405. Page 406.

The Session of the Kirk of Leith against Mr Isaack Brown for non-payment of debt.

Warrant to the Captain of the Guard to apprehend Mr Isaak Broun, advocate, at the horn since 29th December last, at the instance of the ministers, elders, and deacons of the South Kirk and Session of Leith, for not paying to Abrahame Wauchop, their collector, 27 merks 6s. 8d. by way of annualrent of 5 merks due to them by Broun furth of his lands and tenements lying in the burgh of Edinburgh. Page 407.

Edward Halliday and others

Complaint by Eduard Halyday, Johnne Wilkie, Andro Scot, and Johnne Forsyth, tenants of dame Elizabeth Cairlyle, Lady Torthorwald, that, while they were returning from the said lady in Edinburgh to their own

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houses in Torthorwall, Robert Young, elder, and Robert Young, younger, at the West Port of the said burgh, both armed with swords, gauntlets, platesleeves, and long "stingis," fiercely set upon them in the highway between the town wall and "burrow loch" and left them for dead, besides killing a black horse belonging to the said Edward.—Charge had been given to Robert Young, younger, to answer, and also to George Broun in Braidsmill, Patrik Knox, tailor in Braid, and Johnne Craig, stabler in Edinburgh, to appear as witnesses; and now, Halyday appearing for the pursuers, and the defender being also present, the Lords assoilzie Young, because pursuer has failed in proof, and order the said persons cited as witnesses to be denounced for non-appearance.

against Robert Young for assault: Absolvitor.

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Act to prevent the Douglases from harming Lord Ochiltree, against whom they bear deadly hatred on account of the slaughter of Lord Torthorwald.

Inasmuch as William, Earl of Mortoun, the Master of Angus, Douglas, Lord Torthorwald, Archibald Douglas, his brother, Douglas, Commendator of Melros, Sir George and Sir Archibald Douglassis, uncles of the Earl of Mortoun, Douglas of Spot, knight, Douglas, his son natural, Douglas of Maynis, Douglas, his brother, Douglas of Cashogill, Robert and Johnne Douglassis, his sons, Douglas of Davine, Goodman of Keweris, James Douglas of Mortoun, chamberlain in Dalkeith, Douglas, baxter, burgess of Edinburgh, William Douglas, called William in Kyle, William and Archibald Douglassis, called of Carnhill, Johnne Douglas in Andershaw, Johnne Douglas, brother of Hew Douglas in Mortoun, David Douglas in Glaspen, Chairlis and James Douglassis, his brothers, Inglis of Skrogtoun, Robeine and Johne Inglissis, his sons, James Inglis of Bredley, George Inglis, his brother, Cunynghame, Laird of Bonytoun, William Cunynghame, called Tutor of Bonytoun, Robert Cunynghame, his brother, Archie Douglas, called Little Archie of Scrogihill, Robert Cairlile, Laird of Brydekirk, and Sir James Dundas of Ardnistoun, "do beir a deidlie rancour and evill will" against Andro, Lord Stewart of Uchiltrie, on account of the slaughter of James, Lord Torthorwald, of which he professes to be most innocent (*ante*, pp. 217–8); and inasmuch as his Majesty "cannot abyde the reviveing of that uglie monster of deidle feid," and will take care that justice shall be ministered in this matter if the said persons will challenge Lord Uchiltrie as guilty of the said slaughter; and inasmuch as peace must be kept meanwhile: charge had been given to said Lord Torthorwald, William Douglas, apparent of Cashogill, Archibald Douglas, brother of said Lord, James Douglas, son natural of Douglas of Spot, James Douglas of Mortoun, Johnne Douglas, called of Mortoun, George Inglis, brother of Laird of Braidley, Johnne Douglas in Plesance, Dundas of Arnstoun, the Tutor of Bonytoun, and Patrik Douglas, baxter, burgess of Edinburgh, to appear before the Council to underlie such order as should be given to them for keeping the peace, under pain of rebellion.—

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And now, Lord Torthorwald, Dundas of Arnestoun, the apparent of Casschogill, the chamberlain of Dalkeith, the Tutor of Bonytoun, and Patrik Douglas in Edinburgh, appearing, the Lords ordain them to find caution for keeping the peace to Lord Uchiltrie, under pain of infamy, and farther under the

sums following,—Lord of Torthorwald 10,000 merks, Dundas 5000 merks, apparent of Cashogill 2000 merks, Tutor of Bonytoun 1000 merks, James Douglas 500 merks, and Patrik Douglas 300 merks. They are to be committed to ward in the castle of Edinburgh till they find the said caution. The persons cited who do not appear are to be denounced rebels. Acta 1609. (Jan.-July.)

Edinburgh, 7th February.

Sederunt—Chancellor; Dumbar; Bishop of Glasgow; Craufurd; Mar; Montrois; Cassillis; Wyntoun; Perth; Wigtoun; Abircorne; Lowthiane; Tullibardin; Saltoun; Uchiltrie; Elphinstoun; Torphechin; Roxburgh; Scone; Bugcleuch; Blantyre; Master of Elphinstoun; Halyruidhouse; Garleis; Comptroller; Privy Seal; Justice Clerk; Advocate; Collector; Constable of Dundie; Balvaird; Kilsyth; Quhittinghame; Bruntiland; Polward; Sir Alexander Drummond; Mr Petir Rollok; Sir Lues Craig; Sir Johne Arnot; Sir Michaell Elphinstoun.

Thomas Harvie against Forret of that Ilk and his son for circumventing and deforcing two of the Guard while executing a decree.

Complaint by Adame Scot and Thomas Trotter, two of the guard, and by Patrick Hervie, and Annas Drummond, his spouse, for their interest, as follows:—Scott and Trotter having apprehended, at the instance of the other two, James Forret, fiar of that Ilk, in his father's house in Saint Androis, for non-payment of certain sums due to Hervie and his spouse, as by decree against him, had intended to bring him to Edinburgh and commit him to ward in the tolbooth there. His said father, however, David Forret of that Ilk, loath that his son should be committed to ward, had promised that he should not leave the said house till either he had satisfied the said decree or been again delivered to his captors. Scot and Trotter having by these "allureing speitcheis" been got furth of the house, the said David then "steikit the haill yettis and duris of his said house," and defied them.—Scot and Hervie appearing, but the said David having neither appeared nor entered the said James, as charged, the Lords ordain the said David to be denounced rebel. Page 411. Page 412.

Suspension of horning against James Williamson.

Complaint by James Williamsoun, servitor to George Thomesoun in Couper of Angus, as follows:—He is denounced rebel at the instant of the King's Advocate, and of William and Andro Smallis, sons of Andro Small of Kirkland of Ketines, for not compearing as witness in an action raised by them against Robert Pittillok at the Mill of Kynnochtrie, William Pittilloch, his brother, James Pittillok, portioner of New Calsay, and certain others, for their alleged wounding of the said William and Andro. Now, as the law requires letters against persons residing benorth the water of Die to be executed upon fifteen days' warning, and as, when the said charge was used against him at the house of his said alleged master in Couper, he was in Baddinoch, with Andro Thomesoun, mason to George, Marques of Huntlie, five score miles distant from Couper, and as he had found caution in 100 merks to depone in the said matter before the Council on 26th January last, and also to pay 10 merks for his escheat goods, the said horning should be suspended.—Pursuer appearing, but none of defenders, the Lords do suspend the horning. Page 413.

Acta 1609. (Jan.–July).

The King's Advocate against Robert Hunter and others for rieving hawks belonging to his Majesty out of the Isle of Cumray.

Complaint by the King's Advocate, and Sir William Stewart of Eildoun, captain of the castle of Dunbertane, as follows:—At midnight on 17th May last, Robert Hunter of Hunterstoun, accompanied by Thomas Boyd, provost of Irwing, Hew Tait, servitor to said Robert, James Miller in Grene of Hunterstoun, Andro Hunter in Byreis, Thomas Hunter in Maynis, Johnne Thomesoun in Grene, William Farie there, Robert Hunter in Campbeltoun, Johnne Gemmill in Poterth, Johnne (? Robert) Ewing in Mains of Southennen, Robert Dikie in Kilrustan, Johnne (? Robert) Stevinsoun there, William Symsoun in Glensyd, Thomas Montgomerie in Hardcraig, Andro Semple, David Stevinsoun in Holehous, Robert Stevinsoun, Johnne Boyd in Overhoussis, and Archibald Boyd under the Hill, with others to the number of 100 persons, all armed with swords, daggers, gauntlets, platesleeves, and with muskets, hagbuts, and pistolets, entered the island of Comra, violently reft all the young hawks therein, and disponed the same as they liked. Now, as the Isle of Comra, with all the hawks yearly bred therein, belongs to his Majesty, and the said hawks have been, past the memory of man, transported from the Isle to the castle of Dunbertane and thereafter delivered by the constable of the castle to his Majesty, the said persons have committed a

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"verie heich contempt" against his Highness.—Charge to answer had been given to the defenders abovewritten, except Robert Stevenson, but with the addition of Alexander Thomesoun in Bigleis; and now, the pursuers appearing, and Hunter of Hunterstoun and the Provost of Irwing being also present, the Lords find that the constable of Dunbertane castle owes yearly delivery of the said hawks to his Majesty, and therefore

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ordain the defenders to desist from intromitting with the same in future, but assoilzie them from the charge of having worn fire-arms, they having given their oaths to the contrary.

Mr John Bell, minister at Calder, sued for forging the King's letters. Decree of absolvitor.

Complaint by Sir Alexander Hay, his Majesty's secretary, Mr Johnne Layng, keeper of the signet, Sir Thomas Hammiltoun, King's advocate, and Mr Patrik Walkingschaw, minister at Monkland, and by Waltir, Lord of Blantyre, having as privy councillor good interest to give information and to seek redress in this matter, as follows:—Mr Johnne Bell, minister at Calder, having a protestation before the Council and Session against the said Mr Patrik, ordaining him to pay £10 for the expenses of said protest, Johnne Flemyng, messenger, at Bell's instigation, had forged his Majesty's letters under his signet, containing a charge for payment of said £10 to Bell, and upon 5th December last had charged Walkingschaw to pay to Bell the said sum within a

'age 417.

certain space, under pain of rebellion, delivering at the same time a copy of the said pretended charge under his own hand.—Both parties appearing,

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the Lords assoilzie Bell from the action, because he delivered the said letters to Flemyng without a signet only to let Mr Patrik see them and not to put him to unnecessary expenses by signeting the same for so small a sum, and because Bell has also denied on his oath that he gave any direction to the messenger to execute the letters against Walkingschaw.

Farther, the Lords find that Flemyng behaved undutifully in giving "ane autentik" copy of the said letters to Walkingschaw, and admonish him to beware of such doings hereafter. Acta 1609. (Jan.–July.)

Andrew Bannerman and others in Dunkeld against Adam Reid and others for armed convocation and assault.

Complaint by the King's advocate, and by Andro Banerman in Dunkeld, James Banerman, his son, William Banerman there, Frances Scot there, George Banerman, fiar of Cardny, and Johnne Forbes, *alias* M°Innair, younger in , as follows:—Adam Reid in Pitnacrie, Johnne and Adame Reidis, his sons, David, Johne, and Malcome, brothers of said Page 419. Adam, elder, Johnne Dow Miller, servitor to the said Adam, Johnne Glasuoch Miller, tailor, Malcome and William Reidis in Easter Petnacrie, William Fyf in Dunkeld, Johnne and Thomas Merchellis there, Thomas Tailyeour there, Malcome Reid in Easter Tyre, Adam Reid, his son, Thomas M°Worich, Johnne M°Worich, his servant, George Stewart, brother of the Laird of Balliachin, Patrik Stewart and Andro Bonar, servitors to the said Laird, Donald Reid, officer, Adame Innes, his servant, Johne M°Urest in Logyrait, Patrik Gow in Pitcastell, Malcome M°Robert in Tillipowreis, Robert Barroun in Balnagaird, Patrik Barroun, his son, James M°Gillichallium there, James Reid, saddler, Thomas Bisset in Dunkeld, Johnne Robertsoun there, James Stewart there, M°Gressie Gow, Andro Millar in Pitnacrie, Donald M°Ilvoir, Donald M°Ay, weaver, Johnne M°Ay, his son, Johnne Ambrois, and Thomas M°Invoir in Dunkeld, came, on 26th October last, with others, to the number of five score persons, all armed with swords, gauntlets, platesleeves, bows, dirks, darlochs, targs, broadaxes, and two-handed swords, and with hagbuts and pistolets, to the city of Dunkeld, and there made a diligent search for the pursuers, compelling them to take to their houses and remain within them three days. Finding themselves thus disappointed of their "wicked interpryse," they discovered that the said George Banerman and Johnne Forbes *alias* M°Innair, who never offended them, were the said day to repair "furth the hie way neir by the said citie." Whereupon the said Adam Reid, younger, Johnne Reid, brother of said Adam, elder, Johnne Dow Miller, Johnne Glasuoch Miller, and Malcome and William Reidis in Easter Pitnacrie, armed as said is, waylaid the said two in the wood called the Ordis, "and, howsone the Page 420. saidis personis persavit thame coming by thame, thay start furth of bussis and come alswele before as behind the saidis George Banerman and Johnne Forbes, presented hagbutis unto thame, of purpois to have slane thame: quhilk thay had not faillit to have done wer not be the providence of God the same misgave." They, however, discharged a number of arrows at the said two, and shot M°Innair in the left side above the ribs, leaving him for dead.—Charge had been given to said Adam Reid, brother of Adam Reid in Pitnacrie, Adam Reid, son of Malcome Reid in Easter Tyre, Robert Barroun, Patrik Barroun, James Dow M°Gillichallum, Johnne Reid in Pitnacrie, Johnne Dow Miller, James Stewart, Thomas Robertsoun, Adam Reid in Pitnacrie, Johnne and Adam Reidis, his sons, Malcolme Reid, his brother, William Reid in Easter Pitnacrie, Andro Miller in Pitnacrie, Malcome Reid in Easter Tyre, Thomas M°Worich,

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Johne M^cWorich, Johne Glas Miller, George Stewart, Patrik Stewart, Andro Bonar, Patrik Gow, Malcome M^cRobert, David M^cInvoir, Donald M^cAy, Johne M^cAy, Johnne M^cAnduy, Patrik M^cNachtane, Adam James, his servitor, Johne M^cWreist, William Fyff, James Reid, saddler, Johne Merschell, Thomas Merschell, Thomas Bisset, Thomas Tailyeour, and

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Johnne Robertsoun, tailor, to answer this day; and now, pursuers appearing personally, and said Adam Reid in Pitnacrie, James Stewart, Thomas Robertsoun, Johne and Adam Reidis, sons of Adam Reid in Pitnacrie, Andro Bonar, Donald Reid, and William Fyff, notary, being also present, but none of other defenders, the Lords find the shooting of the said Johnne Forbes with an arrow in the left side to have been proved against the said Adam Reid; for which he is ordained to be committed to ward in the tolbooth of Edinburgh. They assoilzie the other defenders from the complaint, but ordain both parties to find caution *hinc inde* in £500 before leaving Edinburgh.

Edinburgh, 9th February.

Sederunt—Chancellor; Dumbar; Crawfurd; Mar; Montrois; Cassillis; Wyntoun; Wigtoun; Kinghorne; Lotheane; Tullibardin; Saltoun; Uchiltrie; Torphechin; Roxburgh; Scone; Bugcleuch; Blantyre; Halyruidhous; Master of Elphinstoun; Bishop of Ros; Bishop of Orknay; Bishop of Caithnes; Comptroller; Justice Clerk; Privy Seal; Advocate; Quhittinghame; Collector; Constable of Dundie; Bruntiland; Polwart; Mr Petir Rollok; Sir Alexander Drummond; Foistersait; Logie; Sir Johnne Arnot; Sir William Hairt.

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The King's Advocate against the magistrates of Dumfries for the assault on the Captain of the Guard and his company by inhabitants of that town.

Charge had been given, at the instance of Sir Thomas Hammiltoun of Bynnie, his Majesty's advocate, to Roger Kirkpatrik, Johnne Corsane, and Harbert Kirkmyre, bailies of Drumfreis, Cuthbert Broun, Johne Puill, Adam Corsane, Robert Cunynghame, Stephane Lowrie, Harbert Diksoun, Thomas Ranyng, Cuthbert Grier, Mr Johnne Maxwell, George Lorymer, William M^cCor, Johnne and Johnne Gibsonis, James Young, Johne Richertsoun, William Williamsoun, Robert and William Richertsonis, George Rig, Adam Walker [? councillors], and Johnne Gledstanes, Cuthbert Cunynghame, Johnne and Frances Irwingis, deacons of crafts, of the said burgh, to answer for the preconcerted assault committed by the inhabitants of the said town on Sir William Cranstoun, captain of the Garrison, and his company, on 2nd May last, while they were executing their office there (*ante*, p. 86). A number of hagbuts, muskets, and pistolets had been discharged, whereby some horses were killed; and Sir William Cranstoun and his company had escaped death only by making themselves masters of the ports of the town.—Pursuer appearing, as also Thomas Ranyng

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and Richardsoun, bailies of the said burgh, the Lords remit this trial to George, Earl of Dumbar, lieutenant over the late Marches.

Order to denounce the Earl of Atholl

Recitation, almost word for word, of the narrative portion of a letter from his Majesty to the Council, relating to the antecedents of the Earl

for not appearing to answer for escaping from the custody of Lord Blantyre.

of Athoill and his recent escape from the custody of Lord Blantyre, which will be found among *Royal and Other Letters*, under date 30th December 1608; after which the Act proceeds to state that, charge having been given, according to the instructions of that Royal Letter, to the said James, Earl of Athoill, to answer in the premises, and he now being called and not appearing, the Lords ordain him to be denounced rebel, and inhibit all and sundry from resetting or intercommuning with him in his present haunts of Athoill or Stratharne. Acta 1609. (Jan.–July.) Page 425.

Decree against Drummond of Friarton for debt.

Action by Mr Jerhome Lindsay in Leith against Hary Drummond of Freirtoun for remaining unrelaxed from a horning of 8th April 1606 for not paying him £538 as principal and £40 for expenses.—Pursuer appearing by Thomas Davidsoun, but defender not appearing, there is warrant to the Captain of the Guard to apprehend defender and inventory his goods. Page 426.

Sandilands of St Monance against Abercromby of that Ilk in a matter of penalties in lawburrows.

Complaint by William Sandielandis of St Monanis, that he is charged by Thomas Abircromby of that Ilk to find caution in £3000 for his indemnity, under pain of rebellion. As the said penalty is excessive, and as nevertheless he found caution as charged, the said letters should be suspended.—Pursuer appearing by Mr Johnne Diksoun, but defender failing to appear, the Lords do suspend the horning, and modify the penalty to £1000. Page 427. Page 428.

Decree against David and Alexander Ochterlony for debt.

Action by Johnne Williamsoun, merchant, burgess of Montrois, against David Auchterlony, brother of William Auchterlony of that Ilk, and Alexander Auchterlony, son of the said William, for remaining unrelaxed from a horning of 26th January last for not paying him 353 merks as principal and 100 merks of expenses.—Pursuer appearing by Alexander Douglas, but defenders not appearing, there is warrant to the Captain of the Guard to apprehend them, and inventory their goods.

Decree against William Middlemass for debt.

Action by William Turnble, merchant, burgess of Edinburgh, against William Middlemest of Letslie Chapel for remaining unrelaxed from a horning of 1st August last for not paying him, as assignee to Alexander Home in Over-Keith, 200 merks as principal and £40 for expenses.—Pursuer appearing by Hectour Turnble of Stanyledge, there is warrant as above against defender for not appearing. Page 429.

Decree against Sir James Hamilton for debt.

Action by Robert Cairncors, merchant, burgess of Edinburgh, against Sir James Hammiltoun of Evindaill for remaining unrelaxed from a horning of 23rd March 1608 for not paying him 800 merks as principal and 800 merks as expenses, also, £2268 as principal and £200 for expenses.—Pursuer appearing by Archibald Douglas, there is warrant as above against defender for non-appearance. Page 430.

Discharge of the commission of justiciary in Atholl, &c., granted to the Earl of Atholl in 1603.

In September 1603 commission of justiciary had been granted to James, Earl of Athoill, within the earldom of Athoill, the priory of Charterhous, the abbacy of Coupar, and within certain other lands, for the space of one year and till discharge, in the hope that the said Earl, following the example of his predecessors, would keep the said bounds in peace. As, however, "all kynd of iniquitie hes had a fer gritter grouth and progres without comptrolment within the said boundis thir yeiris bigane nor of Page 431.

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a long tyme preceiding, and divers vyld murthoris and utheris insolenceis hes bene committed within the same and noway tane ordoure with and punist be the said Erll," and as it is not reasonable that those who are denounced rebels themselves (*ante*, p. 243–4) should have rule over others, the Lords discharge the said commission, and ordain proclamation hereof at the market crosses of Perth, Banff, Dunkeld, and other places needful.

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Suspension of the letters of horning directed against Maxwell of Portrak in the matter of reset of Lord Maxwell.

Complaint by James Maxwell of Portrak, as follows:—He has been lately charged, under pain of rebellion, to enter in ward benorth the water of Tay. Now, he is "ane aigit, decripit, and seiklie man, subject to the gute in his handis and legis, and continewall swelling in thame boith, and to the gravell and utheris diseassis and infirmiteis of body, and hes bene visite with the samyn thir divers yeiris bigane," so that he cannot travel on horse or foot without great hazard of his life, as a certificate subscribed by certain famous ministers bears. Therefore, and in respect that he has found caution in 1000 merks not to reset Johnne, Lord Maxwell, or any of his accomplices, during their rebellion, the said charge should be suspended.—Complainer appearing by Johnne Broun, who produces a certificate subscribed by Mr Robert Frensche, minister at Halywod, Mr Archibald Gibsoun, minister at Dunskore, Mr George Harrat, Mr Johne Ramsay, and Johnne Douglas, ministers of the presbytery of Drumfreis, testifying as above, and Sir Thomas Hammiltoun and Sir Johnne Arnot appearing for the King's interest, the Lords do suspend the charge, but ordain complainer to find caution in 2000 merks by this day 15 days not to reset Lord Maxwell, under the pain of rebellion.

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Mr James Stewart and the Earl of Atholl.

Caution by William, Master of Tullibardin, for Mr James Stewart, commissary of Dunkeld, in 1000 merks, that he shall answer before the Council when required touching his aiding of James, Earl of Athoill, to escape from Waltir, Lord of Blantyre (*ante*, p. 221).

Edinburgh, 14th February.

Sederunt—Chancellor; Cassillis; Lotheane; Bishop of Ros; Elphinstoun; Saltoun; Uchiltrie; Halyruidhouse; Blantyre; Torphechin; Master of Elphinstoun; Constable of Dundie; Quhittinghame; Bruntiland; Mr Petir Rollok; Comptroller; Justice Clerk; Privy Seal; Advocate; Collector; Logy; Sir Alexander Drummond; Polwart; Sir Johne Arnot.

Act to prevent the exportation of linen yarn.

As, albeit by an article in the Treaty of the Union, and by divers proclamations made since, the exporting of linen yarn is expressly prohibited, yet a number of persons daily export these goods in great quantity, and as, to prevent this unlawful trade from being found out by the searchers, the exporters and skippers covertly keep the yarn packed and barrelled till the vessels be ready to weigh anchor, and then craftily put the same on board, taking advantage of the rule that no confiscation can be made of goods unless shipped, the Lords ordain that the barrelling and packing of yarn shall hereafter infer the same pain as the shipping of the same does.

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Warrant to the Advocate to libel a summons of forfeiture in next Parliament against the heirs of Logan of Restalrig.

"The Lordis of Secrite Counsale ordanis and commandis Schir Thomas Hammiltoun of Bynnie, knycht, his Majesty's advocate, to libell ane summondis for forfeyting of the memorie of umquhill Robert Logane of Restalrig for airt and pairt of Gowryis treasoun, to be persewit in this approching Parliament, and that the said Lord Advocate insist in the persute of the said summondis at the Parliament, as becomeith him of his dewtie and office: quhairanent the extract of thir presentis salbe unto him a warrant."—See *ante*, p. 150, footnote. Acta 1609. (Jan.–July.)

To denounce Robert Cunningham.

Order to denounce Robert Cunynghame, brother of the Laird of Bonytoun, for failing to appear this day, as charged, with a view to his keeping the peace to Andro, Lord Stewart of Uchiltree, against whom he bears deadly rancour on account of the slaughter of James, Lord Torthorwald. Page 436.

Edinburgh, 16th February.

Sederunt—Chancellor; Crawfurd; Mar.; Cassillis; Lotheane; Bishop of Ros; Uchiltrie; Elphinstoun; Torphechin; Master of Elphinstoun; Constable of Dundie; Privy Seal; Justice Clerk; Advocate; Collector; Quhittinghame; Bruntiland; Mr Petir Rollok; Logy; Polwart; Sir Michall Elphinston; Sir Johne Arnot.

Charge for mutual assurance between Scott of Thirlstane and Scott of Tushielaw.

A variance having lately fallen out between Sir Robert Scot of Thirlestane, and his brothers and bairns, on the one part, and Scot of Tushelaw and his bairns and freinds, on the other part, there is order to command both parties, under pain of rebellion, to subscribe, within six hours after being charged, such form of assurance as shall be presented to them, to endure till 1st January 1610. Page 437

Decree against Dunbar of Conzie and others for debt.

Action by William Sutherland of Duffus against Patrik Dumbar of Conzie, Mark Dumbar of Durris, Mr James Dumbar of Tarbet, Mr James Dundas, chantor of Murray, and William Dumbar of Wilkheavin, for remaining unrelaxed from a horning of 4th January last for not paying him £5000 as principal and £2500 of expenses.—Pursuers appearing by Archibald Douglas, defenders, for not appearing, are to be apprehended by the Captain of the Guard.

Currour of Inchdrower against Alexander Gordon and others for hamesucken and attempt to abduct his daughter.

Complaint by the King's Advocate, and by George Currour of Inchedrour, Jeane Hay, his spouse, and Cristiane Currour, his daughter, as follows:—On 30th November last Alexander Gordoun, son natural of Johne Gordoun of Tilligrige, sheriff depute of Abirdene, accompanied by Johnne Gordoun, son of the Goodman of Carnburrow, William Gordoun, son of the Goodman of Tilliangus, Robert Johnestoun of Caysmylne, Johne Leslie, son of Normond Leslie, burgess of Abirdene, Thomas Baverlie in Fintrey, Andro Torrie in Old Abirdene, William Maxwell there, George Keir, servitor to the Laird of Benholme, Williame Coutis in Straloch, and Andro Baverlie in Fintrey, with others to the number of twenty-four persons, all armed with swords, gauntlets, platesleeves, secrets, steelbonnets, and with hagbuts and pistolets, came about eight hours at Page 438.

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even to Currour's house in Abirdene (he himself being then in Edinburgh), forcibly entered the said house, held bended pistolets to his wife's breast, and compelled her to deliver to them the keys of all his chests and almeries; after which they made a diligent search for the complainer's said daughter, of purpose to abduct her. Further, said Alexander Gordoun has often lain in wait for abducting complainer's daughter, and yet avows that he will do so, thus compelling complainer to flee from place to place for her safety.—Charge had been given to the defenders, except Johnne Gordoun and George Keir, to answer; and now, the Advocate and Currour appearing, and Andro Torrie being also present, but none of the other defenders,

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the Lords assoilzie Torrie, he having sworn that the complaint against him is not true, and ordain the other defenders to be denounced rebels.

To denounce Melville of Fedinch for not appearing to answer in the matter of his quarrel with Ramsay of Prior-lethame.

A controversy having lately fallen out between James Melvill of Fedinche and Johnne Ramsay of Pryourlethame, and both parties, in repairing to the kirk of Saint Androis for hearing the sermon, having

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assembled their friends in arms, charge had been given to them to answer, under pain of rebellion.—Ramsay now appearing, but not Melvill, the Lords ordain Ramsay to find caution to Melvill in 2000 merks for his indemnity, the order not to have effect till Melvill has found the like caution to Ramsay. They also ordain Melvill to be denounced rebel for his non-appearance.

Michael Reid against Wauchop of Niddry and his servant for assaulting him in the "Societie Porte" of Edinburgh.

Complaint by Michaell Reid in Homby, servitor to Sir Johnne Cokburne of Ormestoun, as follows:—Though there are Acts of Council against invading anyone in the burgh of Edinburgh or within a mile of the Council's residence, yet, on the night of the 10th instant, while complainer was coming furth of the "societie porte" of the burgh, to which he had gone with a load of victual for furnishing his master's house, Sir Frances Wauchop of Nudrie, forgathering with him, first upbraided him, and then

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caused his servant, Archibald Wauchop, to assault him; who "pullit his ganging staulf furth of his hand" and beat him therewith so mercilessly that he left him for dead.—Both parties appearing, the Lords assoilzie the Laird of Nudrie, because of his own oath of innocence, but ordain the

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said Archibald to be committed to ward in the tolbooth of Edinburgh.

Commissions. 1607–1616. Fol. 23, a.

Commission of justiciary against James Bannatyne.

James Bannatyne in Chapildonnane remains unrelaxed from a horning of 27th January 1608 executed against him by Johnne, Earl of Cassillis, as brother-son of the late Sir Thomas Kennedy of Culzeane, and by the other kin and friends of the said Sir Thomas and of the late William Dalrumple, and by Sir Thomas Hammiltoun for the King's interest, for not finding surety to answer before the justice for the murder of the said William. Commission under the signet, signed by the Chancellor, is given to Johnne, Earl of Cassillis, and James, Earl of Abircorne, to convocate the lieges in arms, apprehend the said Bannatyne, and present him before the justice.

Fol. 24, a.

Commission for the apprehension of James Cunningham and others.

As James Cunynghame, sometime servitor to Johnne Mure of Auchindrane, Waltir Mure in Glenheid, and Johnne Mure in Cornair, can give "cleir informatioun" of the circumstances of the murder of the late Tutor

of Cassillis and the late William Dalrumple, but are kept out of the way by the Laird of Auchindrane, and James Mure, his son, the Lords, seeing there are many presumptions against the said Laird and his son requiring examination of the said persons, give commission to Johnne, Earl of Cassillis, and James, Earl of Abircorne, to apprehend the three, and enter them before the Council, to be examined in the premisses. Commissions, 1607–1616.

Commission of justiciary against Robert Campbell.

Robert Campbell in Potterstoun remaining unrelaxed from the horning to which he had been put on 28th April last by Jeane Crawfurde, Lady Kelwod, now spouse of Johnne M'Dougall of Logane, for not entering in ward in the tolbooth of Edinburgh for the "insolence" committed by him on the said Lady, commission, passed under the signet, and signed by the Chancellor, and the Earls of Crawfurd, Mar and Louthiane, is given to Johnne, Earl of Cassillis, James, Earl of Abercorne, Andro, Lord Stewart of Uchiltrie, the sheriffs of Air and Wigtown, the provost and bailies of Air and Irwing, and the captain and lieutenant of the guard, to apprehend the said Robert and present him before the Council. Fol. 24, a.

English decree in the question of the Scottish *post nati.*

Alexander, Earl of Dunfermelyne, chancellor, presents before the Council a decree given by Thomas, Lord Ellesmere, chancellor of England, and the judges of that realm, in favour of Robert Colvill, oy to James, Lord Colvill of Culrois, settling the question of the *post nati.* The Earl of Dunfermelyne then delivers the said decree to Sir Johnne Skene of Curriehill, clerk of register.—See letter, with footnote, among *Royal and other Letters,* with footnote there. Sederunts, Fol. 77, b.

Edinburgh, 21st February.

Sederunt—Chancellor; Murray; Wyntoun; Bishop of Ros; Uchiltrie; Torphechin; Master of Elphingstoun; Edzell; Quhittinghame; Privy Seal; Justice Clerk; Advocate; Collector; Polwart; Mr Petir Rollok; Sir Alexander Drummond; Sir Johne Arnot. Acta 1609. (Jan.–July.) Page 443.

Charge to the Lairds of Lundy and Largo for keeping the peace.

Some new trouble having fallen out between Lundy of that Ilk, and Sir James Lundy, his uncle, on the one part, and Andro Wood of Largo, and Wood, his son and apparent heir, on the other part (*ante*, pp. 194, 196) there is order to charge both parties, under pain of rebellion, not to repair to the kirk of Largo "for heiring of the Word" till the Council take order anent the present difference between them.

Decree against Thomas Geddes for debt.

Action by David Brysone, macer, and George Alexander, son of the late Katherine Stewart, his spouse, against Thomas Geddes, merchant, burgess of Edinburgh, for remaining unrelaxed from a horning of 24th December last for not paying pursuers 1600 merks as principal and 100 merks as expenses.—Pursuers appearing by Alexander Douglas, defender, for not appearing, is to be apprehended by the Captain of the Guard. Page 444.

Edinburgh, 23rd February.

Sederunt—Chancellor; Craufurd; Mar; Glencairne; Bishop of Glasgow; Bishop of Ros; Bishop of Isles; Saltoun; Elphinstoun; Uchiltrie; Blantyre; Halyruidhouse; Master of Elphinstoun;

Acta 1609. (Jan.–July.)

Privy Seal; Justice Clerk; Advocate; Collector; Polwart; Logy; Sir Alexander Drummond; Mr Petir Rollok; Sir Johne Arnot.

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Action by Alexander Lindsay, son and apparent heir of David Lindsay, fiar of Vane, against Robert Heriot of Trabroun for remaining unrelaxed from a horning of 7th December 1607 for not paying pursuer 1000 merks as principal and £100 as expenses.—Pursuer appearing by Alexander Lindsay, defender, for not appearing, is to be apprehended. Decree against Heriot of Trabroun for debt.

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Action by Patrik Dumbar of Conzie, Mr James Dundas of Windiehill, chantor of Murray, Mark Dumbar of Duris, and Johne Dumbar of Maynis, against Alexander Dumbar of Westfield, sheriff of Murray, and Dorathie Dumbar, his spouse, for remaining unrelaxed from a horning of 2nd June last for not relieving pursuers at the hands of William Nicolsoun, merchant, burgess of Edinburgh, of their cautionary obligation for the late Alexander Dumbar of Westfield to said William.—Pursuers appearing by Archibald Douglas, the Sheriff, for not appearing, is to be apprehended by the Captain of the Guard. Decree against Dumbar of Westfield, sheriff of Moray, for non-relief of caution.

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Complaint by Coline Campbell of Blairnarne, as follows:—On 2nd instant, while complainer was in Edinburgh, attending to his business before the Council and Session, Dougall, son and apparent heir of George Grahame of Reidnik, by the special causing of his said father, came, accompanied by Waltir Grahame in Reidnik, Hew Grahame, son natural of the said George, Thomas Tailyeour in Dumboy, Johnne M^{c}Gillespik Vane V^{c}Condochy, Gillespie M^{c}Donachy Na Diff, Ewre M^{c}Gillespik, and Johnne Grahame, brother of the said Dougall Grahame, to complainer's place of King's Boquhapple; where, "pretending mony officious dewtyis of love, freindschip, kynred, and nychtbourheid," the said Dougall "wes verie hairtlie welcomed" by the complainer's wife. But, after supper, Dougall's said accomplices, whom he had left outside "in some derne place" near the house, violently rushed in, and put violent hands on Margaret Campbell, complainer's only lawful daughter and bairn; and, while his wife, and Margaret Campbell, his daughter natural, attempted to deliver his said daughter, they "birsit and dang" them to the hazard of their lives. They then violently seized the said Margaret and took her with them to the said George's place of Reidnik; where she was kept till

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relieved by the magistrate of the country.—Pursuer appearing personally, but none of the defenders, they are to be denounced rebels. Dougal Grahame and others to be denounced rebels for the violent abduction of the daughter of Campbell of Blairnarne.

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As this "barbarous and damnable attempt" is of so "pernitious and wicked example and of so dangerous a preparative," the Lords of Secret Council promise that whoever shall apprehend the said Dougall Grahame and present him before them shall receive a reward of £1000 Scots; and they ordain proclamation hereof to be made at all places needful.—See, among *Royal and Other Letters*, Letter of Council to the Earl of Moray of date 3rd February. Proclamation against the said Dougal Grahame, with offer of reward for his apprehension.

Action by Margaret Adamsoun, relict of David Orme of Mugdrum, and now spouse of Mr Andro Leitche, minister at Maretoun Kirk, and by the Decree against George Orme

for breach of contract.

said Mr Andro for his interest, against George Orme, Tutor of Mugdrum, for remaining unrelaxed from a horning of 16th instant for not fulfilling to them a contract made at Montrois on 5th April 1608.—Pursuers appearing by Archibald Douglas, defender, for not appearing, is to be apprehended by the Captain of the Guard. Acta 1609. (Jan.–July.) Page 450.

Charge for renewed assurance between Maxwell of Calderwood and Maxwell of Newark.

The assurances passed between Sir James Maxwell of Calderwood, Alexander Lindsay of Dunrod, James Hamiltoun of Stanehous, William Maxwell of Newlandis, Johnne Maxwell of Jaktoun, James Maxwell there, James Wauchop there, James Maxwell of Hilheid of Over Kirktoun, and Adam Bruce in Skellitoun, on the one part, and Patrik Maxwell of Newark, James Cunynghame of Glengarnok, James Schaw of Grenok, Johnne Crawfurd of Kilburny, Robert Leckie of Kipdarroch, Leckie, his son, James Leckie, also his son, Murdo Leckie in Croy, Waltir Leckie of Boquhan, William Leckie, son of the late Robert Leckie at the kirk of Kippen, Waltir Leckie of the Mye, James Leckie at the Burn of Boquhen, brother of the deceased old Laird of Leckie, Alexander Leckie in Drumkippen, Adam Cunynghame, son of the Laird of Auchinhervie, William Porterfeild of that Ilk, and Alexander Porterfeild, his son, on the other, being now almost expired, albeit the "variance" standing between them is not yet taken away, there is order to command both parties to subscribe, within six hours after the charge, under the pain of rebellion, such form of assurance as shall be presented to them, to endure till 1st March 1610. Page 451.

Decree against Wishart of Logy for debt.

Action by Johnne Douglas in Ormistoun against Sir Johnne Wishart of Logy for remaining unrelaxed from a horning of 3rd December last for not paying to James Hering of Pendreich, and Margaret Boyd, relict of James Cuming of Cultis, 1000 merks as principal and 200 merks of expenses, which sums they had assigned to the complainer.—Pursuer appearing by Archibald Douglas, defender, for not appearing, is to be apprehended by the Captain of the Guard. Page 452.

George Angus of Brighouse against the magistrates of Ayr.

Complaint by George Angus of Brighouse, as follows:—Johnne Dumbar, burgess of Air, and treasurer thereof, alleging that upon 6th December last complainer had been adjudged by the provost, bailies, and council of the said burgh in 1000 merks of penalty for not appearing before them at a diet appointed for his answering in a certain matter between the burgh and him, had charged complainer to pay the said penalty within a certain time, under pain of warding or horning (*ante*, p. 224). Now, the facts are these:—The said magistrates having "saikleslie consavit" grudge against the complainer, and having committed him to ward in their tolbooth, and imposed on him a fine of 1000 merks for an alleged offence of his against Adam Stewart, present provost of the burgh,—decerning him at the same time to remain in ward till he had paid the said fine,—complainer had appealed to the Lords of Secret Council, and had been assoilzied by them, by a decree given *in foro contradictorio* on 12th January last, from payment of the said fine; and this new fine of 1000 merks, decerned against him by the said provost and bailies for alleged offence, is really on the same account Page 453. Page 454.

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as the said first penalty from which he was thus assoilzied. Hence, and because he has found caution to pay the said sum to the treasurer of the burgh if it shall be found he ought, the said charge should be suspended simpliciter.—Charge had been given to the said Adam Stewart, provost, Johnne Oisburne and David Craufurd, bailies, and to Johnne Dumbar, treasurer, to answer this day; and now, pursuer appearing personally,

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and the defenders by Johnne Lokhart, burgess of Air, the Lords assoilzie the pursuer, for the causes abovewritten.

Act to prevent the Douglases from avenging the slaughter of Lord Torthorwald on Lord Ochiltree.

The Council being informed that Douglas, Master of Angus, David Weir, younger of Auchtifardell, James Douglas of Clapertoun-mill, Malcome Douglas of Caystoun, Waltir and Robert Douglassis, his brothers, Douglas of Maynis, Mr Johnne Ros in Glasgow, David Douglas in Glaspen, James Inglis of Braidlie, Robert Inglis, younger of Scrogtoun, Johnne Inglis, his brother, William Gawie in Over Scrogtoun, Cunynghame of Bonytoun, Johnne Douglas in Andirschaw, Symone Simpsoun in Douglas, William Carmichaell of Reidmyre, Johnne Carmichaell in Barie, Thomas Carmichaell of Eistend, William Carmichaell, son of the Laird of Reidmyre, William Douglas in Lyntoun, Johnne Weir, in Edinburgh, Douglas of Pumpherstoun, Wilkyne Johnnstoun, Sir George Douglas of Kirknes, and Hew Douglas in Mortoun, bear evil will against Andro, Lord Stewart of Uchiltrie, on account of the slaughter of

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James, Lord Torthorwald; and the said Lords being careful that "all unlauchfull revenge, so dishonnourable to the natioun and offensive to his Heynes, salbe forborne": charge had been given to the said persons to appear before the Council to underlie such order as should be given them for keeping the King's peace, under pain of rebellion.—And now, all the said persons appearing personally, with the exception of the Master of Angus, who appears by his procurator, of Sir George Douglas, who appears

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by James Prymrois, and of the Laird of Pumpherstoun, who appears by Alexander Douglas, macer, and with the exception also of Inglis of Braidlie, who appears neither personally nor by procurator, the Lords ordain Lord Douglas (Master of Angus), Douglas of Maynis, Inglis of Braidlie, Johnne Douglas of Andirschaw, Douglas of Pumpherstoun, and Sir George Douglas, to find caution not to injure Lord Uchiltrie, under pain of perjury, and the following money penalties respectively,—viz. Lord Douglas 5000 merks, Douglas of Maynis 2000 merks, Inglis of Braidlie 1000 merks, Douglas of Andirschaw 1000 merks, Douglas of Pumpherstoun £1000, and Sir George Douglas £1000. Farther, they ordain all the persons who have compeared to subscribe an assurance to Lord Uchiltrie before departing from Edinburgh, under pain of horning; and they order Inglis of Braidlie to be denounced rebel for his non-appearance.

Decree against the Commendator of St Colm's Inch for debt.

Action by Robert Donaldsoun, son of the late Mr James Donaldsoun, advocate, and Marioun Fischer, his mother, for herself and as tutrix testamentary to the said Robert, against Harie, Commendator of Sanct Colemes

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Inche, for remaining unrelaxed from a horning of 7th January last for

not paying them 120 merks as principal, and the annualrent thereof, extending to 12 merks, with £20 for expenses. Pursuers appearing by Archibald Douglas, defender, for not appearing, is to be apprehended by the Captain of the Guard. Acta 1609. (Jan.–July.)

Decree against Stewart of Cragyhall and others for debt.

Action by William Leyis, merchant, burgess of Edinburgh, and Jonet Thomesoun, his spouse, against Hary Stewart of Cragyhall for remaining unrelaxed from a horning of 10th January last for not paying them £320 as principal and 100 merks for expenses, also £240 as principal and £40 for expenses. Action also against David Levingstoun, younger of Donypace, who has lain at the horn since 6th January last for not paying Leyis £561 as principal and 100 merks for expenses; and action also against Sir James Sandielandis of Slammanno, who has been at the horn since 9th December last for not paying Leyis £191, 10s. as principal and £10 for expenses.—Pursuer appearing personally, but none of defenders, there is order to the Captain of the Guard to apprehend them. Page 459. Page 460.

Andrew Skene against William Morgie for assault.

Complaint by Andro Skene of Auchorrie that, in January last, William Morgie in Endornoch and his accomplices, rebels and outlaws, waylaid him while he was repairing to his parish kirk of Kinairnie, fiercely set upon him with drawn swords, wounded him in divers parts of his body, and left him for dead.—Pursuer appearing by Mr Andro Skene, his son, defender, for not appearing, is to be denounced rebel. Page 461.

Edinburgh, 28th February.

Sederunt — Chancellor; Ergyle; Craufurd; Wyntoun; Perth; Lotheane; Bishop of Ros; Uchiltrie; Saltoun; Torphechin; Blantyre; Halyruidhouse; Master of Elphinstoun; Constable of Dundie; Privy Seal; Advocate; Mr Petir Rollok; Sir Alexander Drummond; Sir Michael Elphinstoun; Conservator; Sir Johnne Arnot.

Charge for removing the feud between the Earls of Eglinton and Glencairn.

The feud between James, Earl of Glencairne, and his friends underwritten, on the one part, and Hew, Earl of Eglintoun, and Robert, Lord Semple, and their friends, on the other part, having been amicably submitted, in presence of the Council, in January 1607 to certain neutral friends, the said friends had at last disagreed anent the nomination of an oversman, and the submission had been given up by them and allowed to fall in his Majesty's hands, so that now his Majesty is the only judge and oversman in that matter. Accordingly, his Majesty having given direction for reconciling the said parties, according to a decree to be pronounced in his name thereanent, there is order to charge the following persons,—viz. the Earl of Glencairne, Johnne Cunynghame of Ros, his brother, Patrik Cunynghame, goodsire-brother of James Cunynghame of Aiked, and William Cunynghame, his uncle, Patrik Maxwell of Newark, Johnne and David Maxwellis, his brothers, Andro Arnot of Lochrig, younger, Robert Boyd in Clerkland, [David] Cunynghame of Robertland, Abrahame Cunynghame, servitor to late [Alexander] Cunynghame of Aikit, Bartilmo Maxwell in , Gabriell Cunynghame, brother of the Laird of Page 462.

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Craigens, Johnne Cunynghame of Cunynghameheid, Alexander Cunynghame of Craigens, Robert Cunynghame of Waterstoun, Joseph Cunynghame, his brother, Alexander Cunynghame of Tourlandis, Hew Cunynghame, son of late Hew Cunynghame of Saltcoitis, Mr James Cunynghame

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of Montgrenane, Cunynghames, his brothers, William Cunynghame of Caprintoun, Daniell Cunynghame of Dalkeith, William Cunynghame of Brounhill, Alexander Cunynghame of Corshill, William Cunynghame of Clonbaith, on the one part, and the Earl of Eglintoun, Lord Semple, Sir Neill Montgomerie of Langschaw, James Mowat of Busbie, James Dunlop of that Ilk, Archibald Lindsay of Creifoche, Hew (? Robert) Montgomerie of Hissilheid, Robert Mure of Cauldwele, Robert Montgomerie of Skelmourlie, Sir Hew Montgomerie of Braidstane, Hew Montgomerie of Achinheid, [Johne] Montgomerie of Scotistoun, Johnne (? Robert) Birsbane, elder of Bishoptoun, Johnne (? Robert) Birsbane, younger of Bischoptoun, [William] Semple of Foulwood,

Semplis, his brothers, Mathew Birsbane of Roisland, Symone Birsbane of Nether Walkinschaw, Johnne, William, and James Birsbanes, sons of late William Birsbane of Barnhill, and [Hew] Ralstoun of that Ilk, on the other part,—to appear before the Council on 16th March next, under pain of rebellion, to hear his Majesty's decreet pronounced; with certification that, if they do not compear, they will be denounced rebels, decree will be given in the matter, and they shall be compelled to obey the same. The Earl of Eglintoun, Lord Semple, and their said friends are required to come to Edinburgh on 14th March next, and the Earl of Glencairn and his friends on Wednesday 15th March; and, at their coming to the burgh, they are to repair to their lodgings, and remain there till sent for by the Council.

Commissions. 1607–1616. Fol. 25, a.

Commission of justiciary against John Forbes and a number of others of "The Societie of the Boyis."

As Johnne Forbes of Logy, William Forbes of Mylbuy, Patrik Forbes, his brother, Johnne Bowis, Johnne Mortymer, called "The Baron," Robert Johnnstoun, called "Ding the Devill," George Leslie of Auldcraig, Walter Wod at the Kirk of Skene, Robert Skene, called the Tutor, Duncane Forbes of Camphell, Alexander Gordoun, son natural of the sheriff-depute of Aberdyne, Andro Baverlie in Fintrey, Thomas Baverlie in Logie, William Coutis in Strailyloch, William Maxwell in Old Aberdyne, Robert Johnnstoun in Caysmylne, and William Leslie, son of Normand Leslie, burgess of Aberdyne, are not only fugitives from the law for divers crimes, but are banded together "in a most rebellious societie" with oaths and promises of mutual support and defence, and are passing through the country, armed with hagbuts and pistolets, for slaughters, robberies, and oppressions, commission under the signet, signed by the Chancellor and the Earl of Dunbar, is given to George, Earl of Enzie, to convocate the lieges, apprehend the said persons, and enter them before the Council.

Fol 26, a.

Commission of justiciary against John MacMurthie,

As Johnne M°Murthie, son of Ewne M°Murthie Naschag, "tincklar, is suspect and dilait of treasonable forgeing, prenting, outputting and exchangeing" of "false and adulterat money," commission under the signet,

suspected of coining.

subscribed by the Chancellor and the Earl of Dumbar, is given, to Symone, Lord Fraser of Lovat, George Monro of Tarrel, George Monro of Lymlair, and Andro Monro of Dynnawair, to apprehend the said Johnne and enter him before the Council. Commissions.

Edinburgh, 2nd March.

Sederunt—Chancellor; Ergyle; Crawfurd; Mar; Lotheane; Bishop of Glasgow; Bishop of Ros; Bishop of Orknay; Saltoun; Uchiltrie; Blantyre; Halyruidhouse; Master of Elphinstoun; Comptroller; Privy Seal; Justice Clerk; Advocate; Collector; Clericus Registri; Constable of Dundie; Quhittinghame; Polwart; Mr Petir Rollok; Sir Alexander Drummond; Foistersait; Conservator; Sir Johnne Arnot; Sir William Hart. Acta 1609. (Jan.-July.) Page 464.

Decree against Forrester of Garden for debt.

Action by Alexander Livingstoun, younger of Hanyng, against Sir James Forrester of Garden for remaining unrelaxed from a horning of 13th January last for not relieving pursuer at the hands of Thomas Couper, tailor, burgess of Edinburgh, George Fogo and James Stevinsoun, maltmen, burgesses of Stirling, and Malie Hutoun, relict of Johnne Burges, burgess there, of the payment of the sums mentioned in the letters of horning—Pursuer appearing personally, defender, for not appearing, is to be apprehended by the Captain of the Guard. Page 465.

Decree against Mr John Henderson and George Oustean for debt.

Action by George Chisholme, burgess of Jedburgh, against Mr Johnne Henrysoun, burgess of Edinburgh, and George Oustiane, burgess there, for remaining unrelaxed from a horning of 30th December last for not paying him £84 as principal and £40 of expenses.—Pursuer appearing personally, defenders, for not appearing, are to be apprehended.

Decree against the Earl of Moray for debt.

Action by William Leyis, merchant in Edinburgh, against James, Earl of Murray, for remaining unrelaxed from a horning of 16th December for not paying pursuer £600 as principal and £100 of expenses.—Pursuer appearing by Jonet Thomesoun, his spouse, defender, for not appearing, is to be apprehended. Page 466.

Decree against Sir William Stewart for debt.

Action by David Hall, merchant in Glasgow, and Agnes Broun, his spouse, against Sir William Stewart of Heildoun for remaining unrelaxed from a horning of 6th January last for not paying pursuers £236, 17s. 6d. as principal and £40 of expenses.—Pursuer appearing by Archibald Douglas, defender, for not appearing, is to be apprehended. Page 467.

Decree against Thomas Paterson and others for debt.

Action by Hew Greigsoun and Michaell Sandirsone of the burgh of Berwick against Thomas Patirsoun, *alias* Wricht, for remaining unrelaxed from a horning of 11th January last for not paying pursuers certain sums specified in the letters of horning; also action by same pursuers against William Anislie, merchant, son and apparent heir of Johnne Anislie, merchant in Jedburgh, as principal, and the said Johnne as cautioner, for remaining unrelaxed from a horning of 14th January last for not paying them £400 as principal and 40 merks of expenses.—Pursuers appearing by George Greive, defenders, for not appearing, are to be apprehended. Page 468.

Complaint by Thomas Blak, his Majesty's servitor, as follows:—Patrik,

Acta 1609. Jan.–July.) Page 469.

Earl of Orknay, having conceived deadly hatred against him, oppresses him and seeks his slaughter by means of which the following are examples :— On 16th November 1601 William Mairtene, captain of the said Earl's castle of Kirkwall, accompanied by 36 soldiers, all armed, came to complainer's lodging, put violent hands on him, and on Gilbert Brodie, his servant, inhibited any person to give them meat, drink, or harboury, and "compellit thame to tak the sea at sex houris at evin in ane winter nycht in ane deidlie storme, committing himself and his said servand to the merceis of the rageing seas, quhair thay wer driven upoun ane yland callit Barray, and had perischet wer not God of his mercie preservit thame." Again, upon 10th July last, Captain Allane Lentroun, Thomas Lentroun, his son, Alexander M'Culloch, Elias Kneland, Alexander Cogill, the said Earl's gunner, Archibald Graven, his fiddler, Robert Mous, Robert Maxwell, his trumpeter, all domestic servitors to the said Earl, with 36 others, of the said Earl's hounding out, came to complainer's dwelling house in the isle of Quhinlsay in Zetland, violently broke up the doors, entered with drawn swords in their hands, sought complainer everywhere, and "sua effrayit his spouse" that she then parted with bairn; after which they went to "ane holme" in search of complainer, broke up "ane skoo" where there was fish drying, and reft a great quantity of the dry fish. Being then informed that complainer had fled to the Laird of Cultemalindie's house in the other end of Zetland, they took with them, in a bark of the Earl's, "a nowmer of grite brasin and yrne peceis" to besiege the said house, and would have executed their wicked purpose if they had not been stayed "upoun occasioun of some adverteisment frome this cuntrey to the said Erll." Farther, the said Earl by his public edicts straitly inhibits any person in Orknay or Zetland from resetting or intercommuning with complainer, under the pain of incurring his high displeasure. Moreover, the said Earl has raised letters of lawburrows at the instance of a great number of the inhabitants of Orknay and Zetland,—whose names he borrowed for the purpose,—and with these letters charges complainer, sometimes at the instance of one person, and sometimes of another, to find lawsurety, intending thereby to ruin him utterly by compelling him so often to repair to this country, distant 400 miles from his said house. The Earl "lykwyse byis pleis and actionis over the said complenairis heid, and thairupoun callis and convenis him before himselff, and in his awne court pronounces sentences and decritis aganis him thairintill, useing forrane lawis, and evir putis the said complenair to the reductioun."—(Compare *ante*, p. 214 and footnote).—Charge had been given to the Earl, and to the said domestic servants, except Captain Allan Lentroun, to answer to this complaint; and now, complainer appearing personally, but none of defenders, the order is to denounce them rebels.

Thomas Black, his Majesty's servitor, against the Earl of Orkney and others for divers acts of oppression. Defenders denounced for not answering to the charge.

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There being "some variance" between Waltir Scot of Gouldielandis, Waltir Scot of Quhitsled, Robert Scot of Eidschaw, Waltir Scot, son of the late Waltir Scot of Eidschaw, Robert Scot, son of Sir Robert Scot of

Charge to certain enumerated Scotts on the one side,

and Scott of Tushielaw on the other, for keeping the peace.

Thirlstane, Petir Scot, his son natural, William Scot, brother of said Sir Robert, Symone Scot, son natural of said William, Johne and Alexander Stewartis, sons of James Stewart of Tynnes, Mr Arthour Scot of Newburgh, Johnne and Arthour Scotis, his sons, Robert Scot, his son natural, James Scot of Gemmilscleuch, Robert Scot, his son, Allane and William Bartyis, oys to the said James, Johnne Scot of Hundilshoip, William Scot in Haswelsykis, Thomas Scot, servitor to the Lord Bugcleuch, Robert Scot of Huntlie, Waltir and William Scotis, his brothers, William and James Scotis of Bowgill, Waltir Scot in Crayk, Johnne Scot in Ettrikhouse, on the one part, and Waltir Scot of Tuschelaw, on the other part, there is order to command both parties to subscribe, within hours after the charge, under pain of rebellion, such form of assurance as shall be presented to them, to endure till 1st March 1610. Acta 1609. (Jan.-July.) Page 472.

Robert Sinclair of Campston against the Earl of Orkney for wrongous imprisonment.

Complaint by Robert Sinclair of Campstoun, as follows:—Patrik, Earl of Orknay, with convocation of the lieges, came to complainer's house in Kirkwall, violently entered therein, and carried complainer away as captive to the castle of Kirkwall, where he is still detained,—he having committed no crime, and having an exemption before the Lords of Council and Session against the said Earl as yet undiscussed.—Pursuer appearing by , his procurator, and the said Earl failing to appear, the Lords ordain the Earl to be charged by open proclamation at the market cross of Edinburgh and pier and shore of Leith, because no officer dare repair to Orknay for fear of his life, to release the complainer, under pain of rebellion, within three score days after being charged by his advocates in Edinburgh; to whom a copy hereof is ordered to be delivered. Page 473.

Band by John Gordon.

Caution by Johnne Gordoun, apparent of Avachie, that he will relax himself from all hornings used against him by George Currour of Inchedroure, within 20 days hereof, under pain of 500 merks. Page 474.

Commission for the apprehension of one M^{c}Gibbon, charged with fraud upon a Venetian merchant.

A Venetian merchant having, from his good opinion of the fidelity and honesty of the merchants of this kingdome, committed, without surety or band, to M^{c}Gibboun, burgess of , the charge of transporting a great quantity of Mevecie [? malmsey] wine of Candy from the isle of Candie to Lundone, and the said M^{c}Gibboun, having, against "his faith and promeis of fidelitie" given to the said merchant, dishonestly brought the wine to this kingdom and sold the same, "to the heich reprotche and sklander of oure natioun," commission, under the signet, subscribed by the Chancellor and the Earl of Dumbar, is given to James, Earl of Abircorne, to convocate the lieges, apprehend the said M^{c}Gibbon, and present him before the Council. Commissions. Fol. 25, b.

Edinburgh, 3rd March.

Licence to the Countess of Cassillis to eat meat in Lent.

Understanding, by a certificate written and subscribed by Doctor Martyne Schonir, physician to the Queen's Majesty, that dame Jeane Flemyng, Countess of Cassillis, "is havelie diseasit and undir medicyne, and that the cure for recoverie of hir helth not onlie requiris convenient medicynis, bot likewyse ane preceis dyet quhilk admitis no kynd of Fol. 26, b.

ommissions.

fische," the Lords, with consent of George, Earl of Dumbar, treasurer, grant licence to the said Lady to eat meat during the forbidden time of Lent without incurring any pain therefor. The licence is given under the signet, and is subscribed by the Earl of Dumbar, Johnne Prestoun, and Sir Johnne Arnot,—the composition being £12.

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age 474.

Sederunt—Chancellor; Dumbar; Craufurd; Mar; Lotheane; Bishop of Glasgow; Bishop of Orknay; Saltoun; Uchiltrie; Roxburgh; Blantyre; Halyruidhous; Justice Clerk; Privy Seal; Quhittinghame; Brintiland; Advocate; Collector; Clerk of Register. Edinburgh, 4th March.

Nomination of Noblemen and Councillors to attend the Earl of Dunbar as assessors to the Justice in the coming trial of Lord Balmerino at St Andrews.

"Forsamekle as the day of Marche instant is appointed to James, Lord of Balmerinoch, for his compearance before oure Soverane Lordis justice and his deputis in the tolbuith of the citie of Sanctandrois, to undirly the lawis for that lang obscured and now most cleirlie confessit cryme and offence, committed be him so fer to the prejudice of our Soverane Lordis honnour, credite, and reputatioun [*ante*, pp. 186, 191, 202, and footnotes]; and the Lordis of Secrite Counsale being cairfull, as it becometh thame in conscience before God and in dewtie and allegeance to his Sacred Majestie, to have this proces so exactlie, formalie, and ordourlie led and deducit as the natour, wecht, and gravitie of the mater itself requireth, whereby the sinceritie and innocencie of his Majesteis royall hairt may be vindicat frome the malitious, unjust, and wrangous imputatioun whiche his Heynes undirly by the said detestable cryme and offence, and that the burdyne and blame thairof may ly, as in reasoun it ought, upoun the actour himselff; and considering thairwithall that his Sacred Majestie hes send doun his faithfull and worthy counsellour, the Erll of Dunbar, to be assistant to this tryall: the saidis Lordis findis it verie meete, necessar, and expedient, for the grittair authoritie and regaird to be had to that actioun, that the said Erll of Dumbar be accumpaneid with a sufficient nomber of the Nobilitie and Counsale. For whiche purpois the saidis Lordis hes nominat and apointit, and be the tennour heirof nominatis and appointis, David, Erll of Craufurd, George, Erll Marschell, Johnne, Erll of Montrois, Johnne, Erll of Wigtoun, Patrik, Erll of Kinghorne, Mark, Erll of Lotheane, Johne, Lord Saltoun, Andro, Lord Stewart of Uchiltrie, David, Lord of Scone, Walter, Lord Bugcleuch, Walter, Lord Blantyre, James, Lord of Bewlie, comptroller, Sir Richard Cokburne of Clerkintoun, lord prevy seill, Sir Johnne Cokburne of Ormestoun, justice clerk, Mr Johnne Prestoun of Pennycuke, collectour, Sir Johne Skene of Curriehill, clerk of register, Sir Robert Melvill of Brintiland, Sir Lues Craig of Wrichtisland, to be present with the said Erll of Dunbar at the said tryall; commanding thame in his Majesteis name to assist the same tryall by thair presence, counsale, and advise, and so to do and performe that which becometh faithfull, worthy, and trew counsellouris to do in a mater so heichlie importing his Majestie in his honnoure, fame, and credite."

ge 475.

Edinburgh, 9th March.

Sederunt—Chancellor; Mar; Wyntoun; Perth; Bishop of Ros; Halyruidhouse; Master of Elphinstoun; Constable of Dundie; Logy; Sir Alexander Drummond; Sir Alexander Hay of Foistersait; Sir Johnne Arnot; Conservator. Acta 1609. (Jan.–July.)

Decree against Hamilton of Letham for debt.

Action by Johnne and Margaret Kellois, son and daughter of the late Johne Kello, merchant, burgess of Edinburgh, executors dative of their said father, and Petir Blaikburne, merchant in Edinburgh, their tutor, against Andro Hammiltoun of Lethem for remaining unrelaxed from a horning of 12th January last for not paying them 1200 merks as principal and £80 as expenses.—Blaikburne appearing for the pursuers, the Captain of the Guard is to apprehend defender for non-appearance. Page 476.

Decree against William Guthrie, and Elizabeth Fethy, his spouse, for debt.

Action by James Fentoun of Wester Ogill, Jonet Robertsoun, his spouse, and James Fentoun, his son and apparent heir, against William Guthrie in Balfour, and Elizabeth Fethie, his spouse, for remaining unrelaxed from a horning of 16th June last for not fulfilling to said James, elder, a certain contract of date 9th October 1607, subscribed by David Lindsay, fiar of Vane, and for not paying the complainers 500 merks specified in the horning.—Pursuers appearing by Archibald Douglas, defenders are to be apprehended for non-appearance. Page 477.

Decree against MacDowall of Mundork for debt.

Action by William Leyis, merchant in Edinburgh, against Uthred M^{c}Dowgall of Mundurk, for remaining unrelaxed from a horning of 5th December 1608 for not paying pursuer 1000 merks as principal and £100 for expenses.—Pursuer appearing personally, defender is to be apprehended for non-appearance. Page 478.

Decree against George Halket, mariner, for not appearing to a charge of slaughter.

Action by Masie Kilgour, as relict, and James, Henry, and David Dorkis, as sons, of late David Dork, merchant in Dysart, against George Halkett, younger, mariner there, for remaining unrelaxed from a horning of 14th January last for not finding caution to underlie the laws for art and part of the slaughter of the said David, committed by him and his accomplices.—Said James Dork appearing for the pursuers, defender is to be apprehended for non-appearance. Page 479.

Angus Cuniochson and others against MacKay of Far and his men for assault, deforcement, and spuilzie.

Complaint by Sir Thomas Hammiltoun of Bynnie, King's advocate, and by Angus Cunyeochsoun in Rinserie in Berridaill, William Taillyeour, officer to George, Earl of Caithnes, of his lands of Berridaill, Magnus Clerk in Berridaill, Murchu Lewis there, James Cormak there, Johnne Reidsone there, Donald Rioche there, and Donald Tobbie there, the said Earl's men, and by the said Earl for his interest, as follows:—In October last, Johnne Alester Angusone *alias* Sutherland, sister's son of Hutcheoun M^{c}Kay of Far, with his accomplices, all armed with two-handed swords, gauntlets, platesleeves, bows, dirks, darlochs, and with hagbuts and pistolets, came to the said Angus's house, where they fiercely assaulted him and left him for dead. Again, upon 9th January last, the Earl of Caithnes having sent his said officer to his lands of Millerie, then possessed by the said Sutherland, for arresting certain of his goods, and having also directed the other complainers, except the said Angus, to witness Page 480.

Acta 1609. (Jan.–July.)

the execution of the arrestment, Sutherland, accompanied by Murquhow Naverach, William Naverach, his brother, Rorie Johne Neilsoun, William Allester, William Moresoun, Johne M°Eansoun, Johnne Clerksoun, Angus Rorie Banisoun, William Thomas Gibbisoun, and Allaster Cly, all of them M°Ky's men, armed as above and hounded out by their said master, most fiercely set upon them, bound them with cords and bowstrings, carried them captive to the lands of , and there "maist barbarouslie tirvit thame nakit, and bereft thame of thair wapponis and baill claithis, chaissit thame bak agane naked as thay wer borne, and exponit thair bodyis to the injurie of a cauld stormie day." They then reft furth of the lands of

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Berridaill, horses, kye, and other bestial, and drove the same to Strathnaver, belonging to M°Ky; by whom they were heartily received. —Charge had been given to M°Ky and his men to answer to this complaint; and now, pursuers appearing by Mr Johnne Sincler, defenders are to be denounced for non-appearance.

Michael Lawson and his spouse against James Lawson for hamesucken and violence.

Complaint by Michaell Lawsoun in Over Dargavill, and Malie M°Clamroch, his spouse, as follows:—In October last, while they were

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in their scheilling houses in Over Dargavill, Johnne Lawsoun in Rowken, and James Lawsoun, his brother, with others, came by way of hamesucken, at nine hours at even, to their said house, and with drawn swords fiercely set upon said Malie, gave her a deadly stroke therewith on the head, and left her for dead. They would have slain Michaell, "wer not be the providence of God he laip furth at ane back syde of the said house"; and since then he dare not repair to his own house for comforting his said spouse, who through the said wounds is "not lyklie to convalesce."—Charge had been given to James Lawsoun to answer; and now, Michaell

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appearing, defender is to be denounced for non-appearance.

Protest in favour of William MacNicoll in his action against Campbell of Glenlyoun.

William M°Nicoll in Little Forter appears and gives in a copy of the letters of suspension raised by Duncane Campbell of Glenlyoun, charging him to produce, with a view to suspension, the letters raised by him against Campbell for not entering Duncane Leith *alias* Campbell, Allaster Menzeis, son of Johnne M°Varroun, Johnne Stewart, son of Johnne M°Andro, Duncane Bischop *alias* Campbell, Johnne Robertsoun in Kilbirnoch, and Johnne M°Laggane, to answer to M°Nicoll's complaint of their having stolen from him 10 kye and oxen furth of the lands of Broirdarg and 44 oxen and 16 kye furth of the lands of Glenury.—Campbell of Glenlyoun not appearing, M°Nicoll protests that the said letters shall be put to farther execution. The Lords admit the protest and ordain accordingly;

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and, because the Laird of Glenlyoun has neither appeared himself nor entered the said men, conform to an act whereby Sir Johnne Campbell of Cadell had become his surety in 1000 merks, they declare Cadell to have incurred the said pain, and direct letters for payment thereof.

William Hogg against George Tait and others for assault.

Complaint by William Hog in Roxburgh, as follows:—Upon 24th February last, George Tait in Stankfurd in Yettem, George and Thomas, his sons, Gilbert Tait in Yettem, David Tait in the Dowknow, William Tait, his son, Thomas Tait in Yettem, called in the Hoill, accompanied by

David Tait in Yettem, Andro Tait called Dand above the Gait, and by others, armed with swords, gauntlets, platesleeves, lances, spears, and halberts, came to complainer while he was ploughing his part of the said lands of Yettem and there set upon him, and left him for dead.—Pursuer appearing personally, and George Tait, elder, being also present, the Lords find the complaint proved against said George and Thomas Taitis, sons of said George, and against said Gilbert Tait in Yettem, and also find that, the said George and Thomas being unforisfamiliated, their father is answerable for them. He is therefore ordered to be committed to ward in the tolbooth of Edinburgh and detained there till he shall enter his said sons and find caution in 500 merks for the indemnity of pursuer. The absent defenders are to be denounced rebels. Acta 1609. (Jan.–July.) Page 485. Page 486.

Suspension of horning obtained against Jonet Wauchop by Captain William Rig.

Complaint by Jonet Wauchop in the Cannogait, that she is put to the horn at the instance of Captain William Rig for not answering before the Council touching her alleged reiving from him of his cloak. As she has never been lawfully charged to answer, and had found caution in 100 merks to compear this day, and also to pay to the Treasurer £10 for her escheat, the said horning against her ought to be suspended.—Both parties appearing, the Lords, in respect that the Captain has confessed that he had received his cloak again and worn it divers times since the alleged reiving thereof, do suspend the horning. Page 487.

St Andrews, 9th and 10th March.

Sederunt—Dunbar; Mairshaell; Crawfurde; Montrois; Wigtoun; Kinghorne; Lotheane; Tullibardin; Saltoun; Uchiltrie; Cathcart; Hereis; Scone; Bugcleuch; Blantyr; Garleis; Master of Tullibardin; Sir Robert Melvill, elder; Sir Robert Melvill, younger; Kilsyith; Polwart; Balvaird. Sederunts, Fol. 78, b.

Balmerinoch.

"The arreynement of the Lord Balmerinoch." [1]

[1] On this day, 10th March 1609, as this brief entry notes, there took place at St Andrews the trial of Lord Balmerino before Justice-depute Sir William Hart and his appointed assessors (*ante* p. 257). The indictment bore that he was "dilaitit of the tressonabill, fraudulent, and surreptitious procureing of ane letter, past be his Majesteis hand, without his Hienes knawledge, direct to Pope Clement the Aucht, in the yeir of God 1598, tressonabillie adding (eftir the subscriptioun of the said letter) of the styles of '*Sanctitas*' and '*filius*' to the said letter, and tressonabillie affixing his Majesteis signet thairto, committit in the yeir of God 1598 or thairby, and tressonabill assisting Sir Edward Drummond in his tressonabill trafficking for the advancement of Papist courses at the tyme forsaid." Lord Balmerino, who had hardly expected that he would thus be brought to an open assize, imagining that his confessions made in England and his having voluntarily submitted to "the King's will" would be enough, had been greatly exercised in mind, in his place of custody at Falkland, as the trial approached. Considering that the Earl of Dunbar and others had not kept faith with him, and that the ignominy to which he was now subjected was absolutely unnecessary for that purpose of exculpating the King for which he had consented to so much grovelling self-humiliation already, he had even had, he tells us, thoughts of breaking forth in defiance at his trial. He had yielded, however, to the continued pressure brought to bear upon him, and had resolved to go through the new ignominy, as he had gone through the rest. Hence he employed no counsel at his trial, but stood before the court as a self-accused and repentant criminal. His speech was as follows:—"There is none of your lordschips but understand sufficientlie that, if I would stand contentiouslie to my

Sederunts, Fol. 78, b.

Sederunt—Chancellor; Mar; Caithnes; Wyntoun; Lynlythqu; Perth; Kinghorne; Lotheane; Bishop of Glasgow; Bishop of Ros; Elphinstoun; Torphichin; Bugcleuch; Blantyr; Haliruidhous; Edzell; Constable of Dundee; Quhittinghame; Justice Clerk; Privy Seal; Advocate; Collector; Comptroller; Kilsyith; Preistisfeild; Tungland; Logy; Mr Peter Rollok; Wrychtisland; Sir Alexander Drummond; Polwart; Brintiland; Sir Johnne Arnott; Sir William Hairt. Edinburgh, 14th March.

The differences between the Lord Elphinstoun and James Abircrumby of Kersy having been submitted to Mr Alexander King, the said arbiter promises to pronounce his decree by Pasch next. Lord Elphinstone and another.

Letter to be written to the King testifying that in the Council's opinion the privilege of making of soap ought to be granted for some certain years yet to come, with the proviso that there be no restraint of homebringing and selling of soap.—See the Letter dated 26th March among the *Royal and Other Letters.* Monopoly of making soap.

Commissions, Fol. 26, b.

As George Grahame of Rednik, Dougall Grahame, his son and apparent heir, Waltir Grahame in Rednik, Hew Grahame, son natural of the said George, Thomas Tailyeour in Drumboy, Johnne M^{c}Gillespick Vane V^{c}Condochy, Gillespic V^{c}Donachie Nadif, Evre M^{c}Gillespik, and Johne Grahame, brother of the said Dougall, remain unrelaxed from a horning of 1st instant, raised against them by Coline Campbell of Blairnarne, for not answering before the Council touching their coming to his house in King's Boquhapple while he was absent in Edinburgh, assaulting his wife, and Marjorie Campbell, his daughter natural, and for abducting Margaret Campbell, his only lawful daughter (*ante*, p. 249), commission under the signet, subscribed by the Chancellor, Mar, Caithnes, Linlithqu, and Kinghorne, is granted to Archibald, Earl of Ergyle, steward of Menteith, and to his deputes, Coline Campbell of Lundy, Campbell of Laweris, Commission of justiciary against George Grahame and others for violence and abduction.

defences, no depositione made by me in England could prejudge me in any triall criminall I was to sustaine. Neverthelesse, as in all this actione from the beginning I have preferred the truth of his Majesties innocencie to the preservatione of my life and estate, so I am so farre from retreating what I have said there before that noble and most grave Counsell [*ante*, p. 192 footnote] that, if in more cleare termes I could aggravat the just desert of my own hainous offence, and make his Majesties undefiled sinceritie and innocencie knowne to all the world, I would most willinglie doe the same. I were not worthie life if my life, that hes had no happinesse but under the glances of his benignitie, I should labour to be preserved with the smallest imputatioune that might staine his Majesties honour. No man knoweth better his Majesties naturall clemencie, and how unwillinglie his Majestie is forced with this severitie to prosecute the truth of this callumnious imputatione, which, by my abuse of his trust, is drawen upon his most innocent Majestie. Therfor I ratifie whatsoever I have formerly depouned; and, if no otherwise his Majesties honour may be sufficiently exonered, I willinglie offer my blood and poore estate to expiat my offence, and to teach others by my exampill to goe no farther in thair master's service then they have sufficient warrant." Nothing remained for the jury,—which consisted of fifteen nobleman and knights, with Earl Marischal for their chancellor or foreman,—but to find Lord Balmerino guilty; whereupon, pronouncing no sentence till his Majesty's pleasure should be known, Sir William Hart ordered the convicted criminal to be taken back by the King's Guard to his prison in Falkland.—For additional circumstances of this trial, see *Pitcairn*, ii. 568–604.

Sir Johne Hammiltoun of Lettrik, and Menzeis of Weyme, to convocate the lieges in arms, apprehend said persons, and enter them before the Council. Commissions.

Edinburgh Castle, 16th March (forenoon).

Sederunt—Chancellor; Dunbar; Caithnes; Wigtoun; Kinghorne; Lotheane; Bishop of St Androis; Bishop of Glasgu; Bishop of Orknay; Uchiltrie; Elphinstoun; Blantyr; Haliruidhous; Privy Seal; Justice Clerk; Comptroller; Advocate; Collector; Master of Requests; Kilsyith; Sir Robert Melvill, younger; Sir William Hairt. Sederunts, Fol. 79, a.

To denounce the Earl of Errol.

Decree against the Earl of Errole, ordaining him to be put to the horn and to lose his liferent.

Edinburgh, 16th March (afternoon).

Sederunt—Chancellor; Dunbar; Caithnes; Wyntoun; Wigtoun; Perth; Kinghorne; Bishop of Sanctandrois; Bishop of Glasgow; Bishop of Ros; Bishop of Orknay; Uchiltrie; Elphinstoun; Torphechin; Blantyre; Halyruidhous; Justice Clerk; Privy Seal; Advocate; Collector; Clerk of Register; Constable of Dundie; Kilsyth; Quhittinghame; Bruntiland; Foistersait; Polwart; Mr Petir Rollok; Logy; Sir Lues Craig; Sir Alexander Drummond; Sir William Hairt; Sir Johnne Arnot.[1]

Ending of the feud between the Earls of Eglinton and Glencairn.

Recitation of the charge given on the 28th February (*ante*, pp. 262–3) for the appearance this day of the there enumerated persons concerned in the feud between James, Earl of Glencairne, and Hew, Earl of Eglintown, but with the inclusion now, on the Glencairne side, of Robert Cunynghame, servitor of late David Cunynghame of Robertland, Johnne Maxwell of Stanlie, and William Porterfeild of that Ilk, and the omission on the same side of Andro Arnot of Lochrig, younger, Hew Cunynghame, brother of late Laird of Saltcoats, and Cunynghame, brother of Laird of Montgrenane, and with the inclusion now, on the Eglintoun side, of Hew, Lord of Lowdoun, and the omission on that side of Lord Semple, Hew Montgomerie of Braidstane, and Hew Montgomerie of Achinheid. In conformity with the charge, the Earl of Eglintoun, Montgomerie of Skelmurelie, Montgomerie of Hessilheid, Mure of Cauldwell, Mowat of Busbie, Dunlop of that Ilk, Lindsay of Crevoch, and Montgomerie of Scottistoun, now appear personally, and Montgomerie, younger of Langschaw, appears for himself and his father Sir Neill; while on the other side there appear personally the Earl of Glencairne, Johnne Cunynghame, his brother, Maxwell of Newwark, Johnne and David, his brothers, Cunynghame of Aiket, Patrik Cunynghame, his good-sire brother, William Cunynghame, his uncle, David Cunynghame of Robertland, Abrahame Cunynghame, Bartilmo Maxwell, Alexander Cunynghame Acta 1609. (Jan.–July.) Page 487–8. Page 489.

[1] This list occurs also in the Acta; but it is only from the Book of Sederunts that we learn that there were two meetings of the Council this day, one in the forenoon (in the Castle), and the other in the afternoon.

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of Craiganis, Gabriell, his brother, Johnne Cunynghame of Cunynghamheid, Cunynghame of Tourlandis, Cunynghame of Montgrenane, Cunynghame of Corshill, Cunynghame of Clonbae, Maxwell of Stanelie, and William Porterfeild of Duchall; the remaining persons charged on either

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side not being present. The two parties being brought separately into the Council-room, the Lords expound to each what great pains have been taken by his Majesty for removing this feud, how he is now the only oversman in the submission between the parties, and how, "out of his moist gratious and tendir cair to have the haill memberis of this estate unite in hairtie love and tender affectioun as becometh peceable memberis of a body undir so glorious and gratious a head," he has concluded on a decree for their reconciliation. But, before his Majesty's decree shall be made known, it is required that the said parties forgive one another for all "bloodis, slauchteris, and mutillationis" committed on either side before

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this present date, and abjure all mutual rancour on that account. Whereupon, each party having been demanded separately if they will obey his Majesty's direction in this matter, and both having declared that they are willing to forgive one another and to "abyde his Majesteis good tyme and laser quhen it sould please his Heynes to lat thame undirstand quhat forder his Majestie wald decerne in the said submissioun," the Lords, highly pleased with this result, have the parties brought in together; when, in public audience, and each in presence of the other, they not only ratify their said declarations given apart, but also, for confirmation thereof, exchange hands with one onother, declaring that this "thair chopping of handis sould be als sufficient for all those on ather side quho were absent

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and were guiltie of ony of the said bloodis as gif thay were present and had choppit handis with thame."—Moreover, there having been "eliest and grudge" between the Earls of Glencairne and Wyntoun in connection with the same feud (*ante*, vol. vii. pp. 247–8), these Earls have also now "choppit handis togidder in taiken of a constant freindschip."

Lord Semple not being present, commission for effecting an agreement privately between him and the Earl of Glencairn in the same feud.

Robert, Lord Semple, who has been "ane assistair and pertaker" in the feud between the Earls of Eglintoun and Glencairne on the side of the former, having been unable to keep this diet for giving his consent to the said agreement, the Lords of Council, anxious that his absence shall not

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give new occasion of trouble between the said parties, give commission to Johne, Archbishop of Glasgow, and to the Earl of Wigtoun, to call before them the Earl of Glencairne and Lord Semple and declare to them that it is the King's will that they also shall be reconciled. The commissioners are to "sie the same done with all cerimoneis requisite and mak ane note thairupoun in write," for registration of the same in the Council Books.[1]

Complaint by Ludovik, Duke of Lennox, great admiral and chamberlain of this realm, sheriff principal of Dunbertane and lord of the regality of Lennox,

[1] How pleased the King was with the news of this happy termination of the long *Glencairn and Eglinton Feud* in all its branches may be seen in his brief Royal Letter of a fortnight later (31st March 1609) thanking the Council for their happy management of this day's reconciliation. It is one of the very few letters of thanks the Council received from his Majesty. Letters of rebuke were far more frequent.

The Duke of Lennox and Lord Blantyre against a number of persons for lying at the horn for non-payment of dues.

and Waltir, Lord of Blantyre, as his Majesty's justices for punishment of "thift, reif, oppressioun, slauchter, mutilatioun, slauchter of reid fische, schuiting of gunis at wyld foullis and vennesoun" within the shire of Dunbertane, regality of Lennox, and seven kirks annexed thereto, against Umphra Brok in Baldorane, and Johnne Scot there, as principals, and Johnne Levingstoun of Baldorane, their cautioner, with William Scot in Burdstoun, Johne Stirling in Badow, Robert Robesoun in Mukcroftis, William Archie there, Alexander Smyth, Johnne Robesoun in Cult, Manassis Lyell, James Edmestoun in Balleun, Patrik Dennestoun in Boghous, Sir James Kincaid of that Ilk, cautioner for David Johnnstoun in Kincaid, Thomas Kincaid in Cairneleis, Patrik and Kincaidis, Page 494. his sons, James and William Robsonis in Mukcroftis, James Archie there, Thomas and Archibald M°Clintokis, James Robesoun in Cult, Waltir Gow, William Edmeston, younger of Duntreith, cautioner for the said James Edmestoun, and Alexander Hunter, smith, Johne Stirling of Glorat, cautioner for said Johne Stirling in Baldow, David Callender, cautioner for said Robert Robesoun, William Hunter, Alexander Smyth, James Mortoun, cautioner for said William Archie, Johnne Lennox of Balleun, Archibald Lennox, his brother, James Edmestoun in Boghous, Johnne Cunynghame, servitor to James Edmestoun in Ballewn, Donald Miller at Strablan, Alexander Reid in Haystoun, Patrik Johnnstoun, his cautioner, Johnne Lennox of Wodheid, cautioner for Johnne and Archibald Lennox, his brothers, Johnne Grahame of Killerne, William Miller at Gartnes, William Buquhennane of Drumnakill, his cautioner, Johnne Kirkwood at Rinroy, Patrik Adam there, and James Galbraith of Balgair, their cautioner, Sir James Edmestoun of Duntreith, cautioner for the said Manasses Lyell and Johnne Robesoun, Johnne Lowrie, and James Galbraith of Ballocarne, cautioner for said Robert Miller,—all of whom remain yet unrelaxed from hornings of 13th and 15th October last for not paying complainers the sums specified in the letters of horning, due by virtue of certain decrees pronounced in a justice court held by the complainers in the tolbooth of Dumbertane.—The pursuers appearing by Archibald Page 495. Douglas, who passes from the complaint against Johnne Levingstoun of Baldorrane, and the other defenders not appearing, the Lords give warrant to the Captain of the Guard to apprehend these. Page 496.

Decree against James Forret, fiar of that Ilk, for debt.

Action by Mr Andro Mortoun, minister at Coultis, and Ewphame Mortoun, his spouse, against James Forret, fiar of that Ilk, for remaining unrelaxed from a horning of 30th August last for not paying them 1000 merks as principal and 200 merks for expenses.—Mr Andro appearing personally, defender is to be apprehended for non-appearance. Page 497.

Durham of Duntarvie against Weir of Blackwood and others for oppression.

Complaint by Sir Thomas Hammiltoun of Bynnie, King's advocate, and Mr James Durhame of Duntervie, that, on 30th September last, George Weir, fiar of Blakwood, George Weir of Stanebyris, William Weir of Clerkstoun, Johnne Weir in Over Auchingemmell, William Weir, fiar of Scoriholme, James Bannatyne and Waltir Weir in Blakwoodyairdis, all armed with invasive weapons and with hagbuts and pistolets, came

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riding on horseback to the complainer's house of Wodheid in the barony of Lesmahago while he was "attending his awne scheraris than shering his cornis," fiercely set upon him with drawn swords and lances, chased him, besieged him in the house for a long time, and would have slain him

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if the country people had not raised the siege.—Pursuer appearing personally, defenders, failing to appear, are to be denounced rebels.

Decree against Chancellor of Shielhill and his son for debt.

Action by James Aikman, son of the late George Aikman, burgess of Edinburgh, against Robert Chanceller of Sheilhill, and Johnne Chanceller, his son and apparent heir, for remaining unrelaxed from a horning of

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29th April 1607 for not paying pursuer £100 as principal and £20 for expenses,—the said Robert, moreover, not having fulfilled to pursuer the letters obligatory made by him of date 23rd July 1603.—Pursuer appearing personally, defenders are to be apprehended for non-appearance.

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Decree against Doig of Dunrobin for debt.

Action by Mr Johnne Dempster, advocate, against Paull Dog of Dunrobene, for remaining unrelaxed from a horning of 24th December last for not paying him 1000 merks as principal and £100 for expenses.—Pursuer appearing by Archibald Douglas, defender is to be apprehended for non-appearance.

Page 501.

Decree against Robert Bartholomew and his spouse for debt.

Action by William Wilsone, tailor in Leith, against Robert Bartilmoe there, and Marioun Mureheid, his spouse, for remaining unrelaxed from a horning of 13th instant for not paying pursuer £116 as principal and £10 for expenses.—Pursuer appearing by Archibald Douglas, defenders are to be apprehended for non-appearance.

Page 502.

Decree against Alexander Bruntfield for debt.

Action by Troyalus Lawsoun, baxter, burgess of Edinburgh, against Alexander Bruntfeild, servitor to the Lady Athoill, for remaining unrelaxed from a horning of 3rd January 1606 for not restoring to him the goods and money specified in the letters of horning, with £10 for expenses and 40s. of collector-silver.—Pursuer appearing personally, defender is to be apprehended for non-appearance.

Page 503.

William Porter against Edward Kirkpatrick and others for assault and wounding.

Complaint by Sir Thomas Hammiltoun of Bynnie, for his Majesty's interest, and by William Porter in Lacht, that in September last Edward Kirkpatrik of Dressetland, Johnne Kirkpatrik, elder, and Johnne Kirkpatrik, younger, of Gilkersland, Johne Kirkpatrik, son of Richard Kirkpatrik of the Kers, and Thomas Padyean of Sandrome, all armed with invasive weapons and with hagbuts and pistolets, on malice conceived against Porter, fiercely set upon him at the Holmes of Dalgarnoch, and with drawn swords and lances wounded him in the head.—Pursuers appearing personally, and said Johnne, elder, being also present, but the

Page 504.

remaining defenders failing to appear, the Lords assoilzie the present defender, because, pursuers having declined all other probation and referred the complaint to his oath of verity, he has sworn that it is not true. They order the absent defenders to be denounced.

Caution for Margaret Ballingall.

Caution in 400 merks by William Ballingall in Kirkaldy for Margaret Ballingall, that by 20th instant she shall find caution to underlie the laws, when charged, before the lord of the regality of Dunfermling for the slaughter of James Dempster.

Mr William Cranston.

The ward of Mr William Cranstoun, minister, is enlarged to eight miles about his parish, and liberty is granted to him to repair to the Laird of Cranstoun for 15 days, with proviso that he repair not to presbyteries or synods. Sederunts, Fol. 79, a.

Edinburgh, 17th March.

Sederunt—Chancellor; Dunbar; Bishop of St Androis; Uchiltrie; Blantyre; Collector. Acta 1609. (Jan.–July.)

Warrant to the Director of Chancery anent Lord Balmerino.

James, Lord of Balmerinoch, having been "convict before oure Soverane Lordis Justice in a justice court haldin in the citie of Sanct Androis upoun the tent day of Marche instant of certane treasonable crymes and offences (*ante*, p. 260)," and it being "nawyse reasonable nor aggreable to his Majesteis honnour that the said Lord of Balmerinochis name salbe insert as witnes in ony infeftment, chartour, or gift to be past heirefter undir his Majesteis seallis," there is to be order to that effect to the director of chancery and his deputes. Page 505.

Stirling, 23rd March.

Sederunt—Chancellor; Dunbar; Ergyll; Craufurde; Mar; Caithnes; Lynlythqu; Wigtoun; Lotheane; Tullibardin; Bishop of St Androis; Bishop of Glasgow; Bishop of Galloway; Bishop of Orkney; Scone; Blantyr; Halyruidhous; Comptroller; Justice Clerk; Advocate; Collector; Kilsyith; Balvaird; Polwart; Sir Michaell Elphinstoun; Sir Williame Hairt. Sederunts, Fol. 79, a.

Marquis of Huntly.

The Marquis of Huntlie is decerned to be put to the horn and to lose his liferent. Fol. 79, b.

Export of coals from the Forth.

"Archibald Primrois and Mr William Hairt appointit to visite the coilheughis upoun Forthe, [to report?] in quhat estate thay stand and yf the cuntrey dispatche of thair coillis will uphold the same."—See *infra* p. 269.

Edinburgh, 28th March.

Sederunt—Chancellor; Dumbar; Caithnes; Wyntoun; Bishop of Glasgow; Bishop of Ros; Bishop of the Isles; Blantyre; Halyruidhouse; Comptroller; Collector; Advocate; Master of Requests; Constable of Dundie; Sir Alexander Drummond; Sir Lues Craig; M^{c}Canzie; Polwart; Bruntiland; Sir William Hairt; Conservator; Sir Johnne Arnot. Acta 1609. (Jan.–July.) Page 505.

Commission to the Archbishop of Glasgow to proceed to the Borders, and to take order for repairing of kirks within those bounds and planting them with ministers.

"Forsamekle as the bypast barbaritie and incivilitie in that parte of the Middle Shyris which formarlie wer the Bordouris of this kingdome,—the inhabitantis in most pairt thairof being voyd of all trew feir of God and religioun,—wes the caus that the kirkis af the same, for laik of reparatioun, went almoist all to decay and ruyne; and seing now, be the happie unioun af the two kingdomes in his Majesteis persone, that whiche formarlie wes the Marche is now become the middle of his Majesteis dominionis; and his Heynes being loath that these markis of the bypast barbaritie sould continew, and being desyrous that order sould be tane for repairing af the

cta 1609. Jan.–July.)

kirkis in those boundis and planting of thame with ministeris: his Majestie, upoun assured knowlege of the good affectioun of the reverend father in God and his trustie counsellour, the Archibischop of Glasgow, to

age 506.

the advancement of Godis glorie, the most pairt of the saidis boundis being within his diocie, at the leist of his province, hes thocht meit that he be burdynit with this imployment. Thairfore the Lordis of Secrete Counsale, according to his Majesteis speciall directioun [*see* Royal Letter of 5th March 1609], hes gevin and grantit, and be thir presentis gevis and grantis, full pouer and commissioun, expres bidding and chairge, to Johnne, Archibischop of Glasgow, to repair to the boundis quhilkis formarlie wer the Bordouris of this kingdome, and to tak ordour with the repairing of the kirkis of the saidis boundis, for planting of the same with ministeris, and for uniting of kirkis togidder quhair the same may be maist commodiouslie done with ease to both parrochynnairis and for bettir help of the ministeris provisioun and mantenance; with pouer to him, at his repair to the saidis boundis, to call before him the parrochynnairis of eache paroche, with thair pastour, gif thay ony have, and with thair consent to conclude and resolve upoun ony suche course as salbe fittest and most expedient boith for the spedy repairing and building of the saidis kirkis and provisioun of ministeris, and to do, use, and exercise quhatevir uther thing lauchfull may farder advance and set fordwart this busynes. And,—becaus, for the help and reparatioun of the saidis kirkis, thair wilbe necessitie of a grite deale of tymmer and treis, quhairof thair is yet some small remaynis within the saidis boundis, and it being a scandall and reprotch to the cuntrey that materiallis sould want to suche a good woork as the reparatioun of kirkis, seing nothing is intendit to be tane frome the owner of the woodis without a sufficient and reasonable price,—with power thairfore to the said Archibischop to deale with the awnairis of the saidis woodis and to tak suche course with thame as thair woodis may be reteyned in the cuntrey, at the leist so muche thairof reserved to the use foirsaid as salbe required, upoun reasonable and dew prices to be gevin for the same. And stable halding and for to hald all and quhatsumevir thingis the said Archibischop sall lauchfullie do heirin: chairgeing all and sindrie oure Soverane Lordis leigeis to reverence, acknawledge, and obey the said Archibischop in all thingis tending to the executioun of this commissioun, as thay will answer upoun thair obedience at thair heichest perrill."[1]

Page 507.

"Forsamekle as, the Kingis Majestie haveing resolved to reduce and settle undir a perfyte obedience the north pairt of kingdome of Ireland, whiche [is] now, by the providence of Almichtie God and by the power and strenth of his Majesteis royall airmyis, fred and disburdynit of the former rebellious and dissobedient inhabitantis thairof, who in the justice

Proclamation for colonising the North of Ireland with Scotsmen.

[1] This Act of Council is in consequence of two letters of his Majesty to the Council, both of 5th March 1609, which have a place among the *Royal and Other Letters* of this volume. It in fact consolidates those two letters, and incorporates their language all but verbatim.

of God, to thair schame and confusioun, ar overthrawen, his Majestie for this effect hes tane a verie princelie and good course, alswele for establischeing of religioun, justice, and civilitie within the saidis boundis, as for planting of coloneis thairin and distributing of the same boundis to lauchfull, ansuerable, and weill affected subjectis, upoun certane easie, tollerable, and profitable conditionis: And, althoght thair be no want of grite nomberis of the cuntrey people of England who with all glaidnes wald imbrace the saidis conditionis and transport thameselffis with thair famileis to Yreland and plenishe the saidis haill boundis sufficientlie with inhabitantis, yet hes sacred Majestie,—out of his unspeikable love and tendir affectioun toward his Majesteis antient and native subjectis of this kingdome, quhome his Heynes wald have to communicat with the fortounes of his saidis subjectis of England,—hes bene pleasit to mak chose of thame to be partinairis with his saidis subjectis of England in the distributioun foirsaid. Thairfore ordanis letters to be direct to mak publicatioun heirof be oppin proclamatioun at all places neidfull, and to warne all his Majesteis subjectis of this kingdome quho ar disposit to tak ony land in Yreland that thay come to the Lordis of his Majesteis Prevey Counsale and present thair desyris and petitionis to the saidis Lordis, be quhome thay salbe acquentit with the particulair conditionis to be performed be thame for thair land."[1]

The Lord of Beaulie, comptroller, against Monypenny of Kinkell for violating a contract between them.

Complaint by James, Lord of Bewlie, comptroller, as follows:—The late Alexander Monypenny of Kinkell, and Margaret Anstruther, his spouse, having sold to him heritably the lands of Easter and Wester Kingask, lying in the regality of St Androis and shire of Fyff, for great sums of money paid, he has been in peaceable possession thereof these many years bygone; and, although he owed nothing to the bairns of said Alexander, yet in consideration of the state of Thomas Monypenny, now of Kinkell, son and heir of the said Alexander, he gave him "ane new contentment and satisfactioun for his kyndnes," wherewith he was so fully satisfied that he subscribed a letter with his hand ratifying and approving the said alienation. Now, however, complainer having occasion to "annalie or wodsett" his said lands, and "being in bloking" with sundry persons in that matter, Monypenny, in spite of his said letter, and without any pretence of law or conscience, has threatened the persons with whom the complainer has been negotiating, avowing to have their lives if they mell

Page 508.

[1] This is the first glimpse in the Register of that great scheme of the *Plantation of Ireland*, or more precisely the *Plantation of Ulster with English and Scottish colonists*, which runs through the rest of the reign of James, and makes his reign, as Hallam says, "perhaps on the whole the most important in the constitutional history of Ireland, and that from which the present scheme of society in that country is chiefly to be deduced." By the flight of the great rebel chiefs Tyrone and Tyrconnel, and the subsequent suppression of O'Doherty's insurrection (*ante*, p. 136–137), about 500,000 acres of forfeited land in Ulster were at the disposal of the Crown; and the Lord Deputy, Sir Arthur Chichester, was now busy in surveying the lands, building castles, &c., on them, and arranging for their division into lots of suitable sizes for the different classes of immigrants from England and Scotland that might choose to settle on them as King's tenants, side by side with such of the old Irish as might be permitted to remain.

:ta 1609. ın.–July.) ge 509.

with the said lands; so that no man dare to "blok or bargane" with complainer for these lands.—Complainer appearing personally, defender is to be denounced for non-compearance.

derunts, l. 79, b.

Hairt and Primrois report that they had visited the coalheughs and found that in their opinion "the cuntrey dispatche wald not uphald the coilheughis ane moneth" (*ante*, p. 266). A missive ordained to be written to his Majesty anent the coals on the Forthe.—See the Letter, dated 30th March, among the *Royal and Other Letters*. Anent the export of coals from the Forth.

:ta 1609. ın.–July.) ge 509.

Sederunt—Chancellor; Dumbar; Caithnes; Abircorne; Kinghorne; Bishop of Glasgow; Bishop of Ros; Bishop of the Isles; Blantyre; Halyruidhouse; Justice Clerk; Advocate; Collector; Master of Requests; Constable of Dundie; M^{c}Kanzie; Edzell; Quhittinghame; Mr Petir Rollok; Polwart; Sir Alexander Drummond; Foistersait; Sir William Hart; Sir Johnne Arnot; Conservator. Edinburgh, 30th March.

Action by Robert Crawfurd of Possill against Sir George Elphinstoun of Blythiswood, and Waltir Murray, chamberlain of Methven, for remaining unrelaxed from hornings of 21st and 24th February last for not paying him 6000 merks as principal and 600 merks for expenses.—Pursuer appearing personally, Elphinstoun, the only defender summoned, is to be apprehended for non-appearance. Decree against Sir George Elphinstone for debt.

ıge 510.

Complaint by Elizabeth Ramsay, spouse of Mr James Borthuik of Lochhill, that her said spouse remains unrelaxed from a horning to which he had been put on 14th January last for not paying to her, as modified by the commissaries of Edinburgh, 13s. 4d. daily since 8th March 1608, and till he should take her home and entertain her as becometh a wife.—Complainer appearing by William Harvie, her son, defender, not appearing, is to be apprehended by the Captain of the Guard. Warrant for the apprehension of Mr James Borthwick on his wife's suit.

ıge 511.

Action by Johnne Hog, portioner of Old Roxburgh, and William Hog, his son and apparent heir, against George Tait of Baireris, David Tait of Know, Thomas Tait in Yettem, Umphra Tait there, Stevin Tait there, David Tait there, George Tait of Schotten, Stephane Burne of the Boith, William Tait, brother's son of Gilbert Tait in Yettem, Henry Tait in Boig, Robert Tait, his son, George Tait in Stankfurd, William Tait in Yettem, Gilbert Tait there, David Tait there, David, William, Robert, and George Taitis, sons of the said David called of the Know, William Tait, oy to the said David, Johnne Tait in Shotten, William Young of Fettirshawis, William Young, his son, and William Burne, son of Stevin Burne in Boith, for remaining unrelaxed from hornings of 15th September last for not finding caution for the indemnity of the complainers.—Charge had been given to said William Tait in Yettem, David Tait there, Gilbert Tait there, Thomas Tait in the Hoill there, David Tait in the Dowknowe there, and David Tait, called "Abone the Gait," to answer; and now, said William Hog appearing for himself and his father, defenders are to be apprehended by the Captain of the Guard for non-appearance. Decree against William Tait and others for lying at the horn.

ıge 512.

Robert Cunningham and others against Alexander Chalmers for suspension of horning and modification of pains in law-burrows.

Complaint by Robert Cunynghame in Urquhart, David Cunynghame in Prymrois, Andro Cunynghame, his son, William Cunynghame in Crocefurd, William Lugtoun in Dunfermling, David Austiane at the mill of Millhill, James Austiane, his son, and William Sanderis, servitor to Andro Murray of Windiemilhillis:—They are charged, under pain of rebellion, by Alexander Chalmer in Logy to find caution for his indemnity, each of them in 500 merks. Now, the said pains are excessive, they being only "puir yeamen men, labouraris of the ground," for whom 100 merks would be sufficient. Hence, and because they found caution as charged, the said letters should be suspended.—Complainers appearing personally, and defender by Robert Merser, the Lords do suspend the said letters, ordain the pain found by Lugtoun to stand without modification, and modify the pains found by Robert Cunynghame, David Cunynghame, Andro Cunynghame, and William Cunynghame to 300 merks each, those by David Austiane, and James, his son, to 200 merks each, and that by Sanderis to 100 merks. Acta 1609. (Jan.–July.) Page 513. Page 514.

Decree against Robert and Alexander Strauchan.

Complaint by Robert Bultie, burgess of Dundie, Jonet Hunter, his spouse, Alexander Bultie, their second son, and Alisoun Watsoun, spouse of said Alexander, as follows:—Robert Strauchauchin, portioner of Baskellie, Helene Carnegie, his spouse, and Alexander Strauchauchin, their eldest son and apparent heir, having been denounced on 6th August 1606 for not fulfilling to first complainer a contract of date 26th November 1602, remain still at the horn; and William M^cGgie, citizen in Dunblane, having been denounced on 28th January last for not paying to said Robert Bultie 2200 merks and 200 merks for expenses, also remains at the horn.—Charge had been given to Robert Strauchane, and Alexander, his son, to answer; and now, pursuers appearing by Robert Mudie, defenders are to be apprehended for non-appearence. Page 515.

Act relieving Mr John Murray, late minister of Leith, from his ward in Edinburgh Castle, and banishing him to Nithsdale.

"Forsamekle as Mr Johnne Murray, lait minister of Leith, haveing most grevouslie offendit the Kingis most excellent Majestie, and for that caus haveing been commitit to waird within his Heynes castell of Edinburgh, hes now bene a guid space presoner within the same, and, however his Majestie in justice mycht have proceidit aganis him with grite rigour, yit his Majestie, upoun his love to the said Mr Johnne his functioun and calling, and in hoip his bypast chestisment sall procure him to be more circumspect in his cariage heirefter, his Heynes hes pleasit to mitigat the extremitie of the law; and therefore the Lordis of Secrite Counsale freithis and releivis the said Mr Johnne furth of his waird within the castell of Edinburgh, and commandis and ordanis him that within the space of twenty dayis efter the dait heirof he repair to the town of Newabbey within the cuntrey of Nethisdaill, and that he remane within the said toun and within four myllis of the same, and noway transcend the boundis of his confyning without his Majesties speciall warrand and licence had and obtenit to that effect; and commandis and ordanis him that, quhill his entrie within the boundis of his confyning, that he do not repaire to the toun of Leith, nather preitche nor mak Page 516.

ɔta 1609. an.–July.)

sermone in ony place quhatsoevir except within the precinct of his above writtin confyning allanerlie,—within the quhilkis boundis his Majestie and the saidis Lordis gevis and grantis unto him libertie to teitche and preitch. And siklyke commandis and ordanis him that he resorte nor repair not to ony prisbiterie, provinciall or general assemblie, without his Majesteis speciall licence had thairto. Lykeas, the said Mr Johnne compeirand personalie befoir the saidis Lordis, this present ordinance and directioun wes intimat and deliverit to him in judgement, and he wes chairgit, in presence of the saidis Lordis and at thair speciall command, be Archibald Douglas, maiser, to satisfie, obey, and fulfill this present ordinance and directioun in everie point, head, and article thairof, under the pane of rebellioun and puting of him to the horne, with certificatioun to him, and he failyeit in ony point of the premisses, he sould be immediatlie thairefter denuncit rebel and put to the horne."—Connect with Royal Letter of 5th March 1609.

ommissions, ol. 28, b.

As Petir Scot, son natural of Sir Robert Scot of Thirlestane, Alie Baatie, oy to James Scot of Gilmenscleuch, Walter Scot of Eidschaw, Symon, son natural of William Scot, brother of the said Sir Robert, Alexander Stewart, son of James Stewart of Tynneis, William Scot in Glaik, and William Scot, brother of Thirlestane, remain unrelaxed from hornings of 17th and 23rd instant for not subscribing assurances to Walter Scot of Tuschelaw, commission under the signet, subscribed by the Chancellor and the Earl of Dunbar, is granted to David, Lord of Scone, captain of the guard, Sir William Cranstoun, captain of the garrison over the late Borders, and their companies of horsemen, to convocate the lieges in arms and to apprehend the said rebels and enter them before the Council.

Commission of justiciary against Peter Scott and others.

ɛderunts, ol. 79, b.

Sir William Cranstoun is ordained to put Haig of Bemersyde to liberty, on caution for his compearance before the Council on six days' warning, under pain of £1000.

Haig of Bemerside released.

ommissions, ol. 27, b.

As Johnne Forbes of Logy, William Forbes of Mylnebuy, Patrik Forbes, his brother, Johnne Bowis, servitor to the Laird of Logy, Johnne Mortymer, called the "Baroun," Robert Johnstoun of Caismylnis, Duncane Forbes of Campheill, Alexander Wat, servitor to William Forbes of Mylbuy, and Walter Wod in Kirktoun of Skeyne, are not only at the horn for slaughters and other crimes, but are combined together "in a moist unlauchfull, rebellious, and detestable societie and fellowschip, under the infamous name of the 'Knychtis of the Morter,' or 'Societie of the Boyis,' with aithis, promeissis, and protestationis of mutuall persute and defence," and as "thay go athort the cuntrey armed with hacquebutis and pistoletis, attending the occasioun to commit robreis, slaughteris and oppressionis quhair thay bere quarrell or may be maisteris and commanderis," and as "it is a foull reprotche and scandell to this oure natioun that suche a handfull and infamous byk of laules lymmaris salbe so lang sufferrit to haif residence and resting in ony pairt of oure said kingdome," his Majesty grants commission under his signet, subscribed by

olio 28, a.

Edinburgh, 31st March. Commission to Irvine of Drum against John Forbes and other rebels, calling themselves "The Knychtis of the Morter," or "The Societie of the Boyis."

the Chancellor and the Earl of Dunbar, to Alexander Irwing of Drum to convocate the lieges in arms, apprehend the said malefactors wherever found, and enter them before the Council. Commissions.

Commission for the apprehension of Archibald Douglas and others, in feud with Lord Ochiltree in the matter of the slaughter of Lord Torthorwald.

As Archibald Dowglas, brother of the Lord Torthorwald, Johnne Dowglas in Pleasans, George Inglis, brother of James Inglis of Braidlie, and Robert Cunnynghame, brother of the Laird of Bonytoun, remain unrelaxed from hornings of 22nd and 24th instant for not appearing before the Council and engaging to keep the peace with Andro, Lord Stewart of Uchiltree, and as Cunnynghame of Bonytoun remains unrelaxed from a horning of 24th instant for not keeping ward in the burgh of Edinburgh till he should have granted to the said Lord an assurance, commission, under the signet, subscribed by the Chancellor, is given to the Captain and Lieutenant of the Guard, and to all sheriffs, stewards, and magistrates, to apprehend the said persons and enter them before the Council. Fol. 29, a.

Edinburgh, 4th April.

Sederunt—Chancellor; Dunbar; Caithnes; Wyntoun; Kinghorne; Tullibardin; Bishop of Glasgow; Bishop of Ros; Bishop of the Isles; Uchiltree; Blantyr; Haliruidhous; Roxburgh; Justice Clerk; Quhittinghame; Bruntiland; Sir Lues Craig; Polwart; Sir Alexander Drummond; Fostersait; Sir Johnne Arnott; Sir William Hairt. Sederunts, Fol. 79, b.

A missive ordained to be written to his Majesty anent the Laird of Nudry's rehabilitation, &c.—See the Letter of this date among the *Royal and Other Letters.*

Edinburgh, 8th April.[1] Another commission for the apprehension of John Forbes and the rest of "The Knyghtis of the Morter," or "Societie of the Boyis."

Commission, passed under the signet, and signed by the Chancellor, is given to Alexander Gordoun of Cluny, and Johnne Gordoun of Boigis, sheriff depute of Abirdyne, for the apprehension of Johnne Forbes of Logy, George Leslie of Auldcraig, William Forbes of Mylbug, Patrik Forbes, his brother, Johnne Mortimer, called Johnne the "Baroun," and Robert Skene, *alias* the Tutor, who call themselves "Knyghts of the Morter or Societie of the Boyis" (*ante*, p. 271). Commissions, Fol. 30, a.

Edinburgh, 13th April.[2]

Sederunt—Chancellor; Wintoun; Elphinstoun; Comptroller; Bishop of Orknay; Privy Seal; Justice Clerk; Advocate; Collector; Acta 1609. (Jan.–July.) Page 516.

[1] On this day died Mark Ker, 1st Earl of Lothian, known to us so long in these pages as Councillor, Master of Requests, &c., first by the title of Commendator of Newbattle, next by that of Lord Newbattle, and only since February 1606 as Earl of Lothian. The "Earl of Lothian" henceforward in these pages, accordingly, is not this Earl, but his son and successor, Robert Ker, the 2nd Earl.

[2] On the 1st of April Lord Balmerino had been brought back from Falkland to Edinburgh, to hear sentence pronounced upon him in consequence of his conviction on the 10th of March (*ante*, p. 260, footnote). It was pronounced in the tolbooth of Edinburgh by the dempster of the Court, in accordance with a warrant from his Majesty to Sir William Hart, dated at Whitehall 24th March, and was that Lord Balmerino should be "demanit and execute as a traitour, his heid to be strikin from his body, and all his landis, heritageis, &c., to be forfalted, &c." No day was named for the execution of the sentence;

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Edzell; Quhittinghame; Bruntiland; Polwart; Sir Lues Craig; Foistersait; Sir Alexander Drummond; Sir Johne Arnot; Conservator; Sir William Hairt.

Complaint by William Symsoun, messenger, that, on 20th March last, while he was executing letters against James Halkheid at Halkheidismylne for certain sums due to Alexander Lowdoun in Kirkcaldie, Johnne Halkheid, portioner of Gaitmilk, of the special causing of said James, fiercely pursued him and wounded him with "ane grite bandit staulff."—Pursuer appearing personally, said Johne is to be denounced for non-appearance. William Simpson against John Halket for deforcement.

ge 517.

Action by James Dalzell, merchant, burgess of Edinburgh, against Johne Campbell of Kingeancleuch for remaining unrelaxed from horning of 18th February last (1) for not paying pursuer 500 merks, (2) for not relieving him as cautioner on his behalf to Robert Touris, writer, of payment of 200 merks as principal and £20 of expenses, (3) for not paying him 1000 merks as principal and 100 merks as expenses.—Pursuer appearing by Archibald Douglas, defender is to be apprehended for non-appearance. James Dalzell against John Campbell for debt.

ge 518.

Action by William Rollok of Balbegie, Robert Rollok of Muretoun, and Waltir Rollok, merchant, burgess of Dundie, against Sir David Hering of Lethintie and James Skrymgeour of Fardell for remaining unrelaxed from a horning of 27th January last for not paying them 2200 merks as principal and £200 of expenses.—Pursuers appearing by Archibald Douglas, defenders are to be apprehended for non-appearance. Decree against Heron of Lethindy and Scrymgeour of Fardel for debt.

ge 519.

Action by Sir Thomas Kirkpatrik of Cloisburne, as follows:—On 17th February last, Thomas Kirkpatrik, younger of Cloisburne, William Blak in Quhytspottis, and Johnne Kirkpatrik there, had been denounced rebels at complainer's instance for not removing from his 20s. land of Quhytspotis; and on the same day the said Thomas, younger, had been denounced for not producing before the Lords of Council and Session a reversion granted by the late Johnne Carmichaell of Medowflatt to the deceased Rodger Kirkpatrik of Cloisburne, father of the complainer, and to his heirs, containing therein £160 for redemption from the said late Johnne of the two merkland of Glengaber,—which reversion had been delivered by complainer to said Thomas, younger, to the effect it might be re-delivered to the complainer as his proper heritage. The said rebels remain still Warrant to apprehend Kirkpatrick, younger of Closeburn.

e 520.

nor can there be any supposition now, nor apparently was there any at the time, that it was ever intended that it should be carried into effect. But the drama of Balmerino's self-sacrifice in exculpation of his Majesty had been worked out to an extreme which Balmerino himself had not originally contemplated, and upon which he now looked with anger, shame, and disgust. Conveyed back to Falkland, as if to linger out the rest of his life in hopeless degradation and captivity there, he employed himself first in writing out the story of his wrongs, still not directly impeaching the King, nor retracting the first modified admission he had made in his Majesty's favour in the matter of the letter to the Pope, but representing himself as the victim of a conspiracy for his ruin by the Earl of Dunbar, Archbishop Spotswood, Sir Alexander Hay, the English Secretary Cecil, and others. His confinement was gradually relaxed till he had the full range of his Fife-shire estates; and there he lived, a public wonder, till June 1612.

unrelaxed from the horn.—Charge had been given to Thomas, younger, to answer; and now, pursuers appearing by Robert Pringle, defender is to be apprehended for non-appearance. Acta 1609 (Jan.–July.) Page 521.

Decree against certain former bailies of Perth.

Action by James Murray, merchant, burgess of Perth, against James Drummond, Gawin Dalzell, Patrik Andirsone, and William Williamsoun, formerly bailies of Perth, for remaining unrelaxed from a horning of 18th July last for not paying pursuer 500 merks as principal and £40 of expenses, and also for not relieving him, at the hands of Margaret Gaw, relict of Oliver Young, burgess there, of payment to her of 260 merks as principal and 20 merks of expenses.—Pursuer appearing by Archibald Douglas, defenders are to be apprehended for non-appearance. Page 522.

The Earl of Mar and King's Advocate against John Hall and others for slaying deer and wild fowls in the country of Mar.

Complaint by Johnne, Earl of Mar, and Sir Thomas Hammiltoun of Bynnie for his Majesty's interest, as follows:—From May to January last, Johnne Hall in Straloch, Johnne M°Nicoll in Little Forter, William M°Nycoll there, sons of William M°Nicoll in Little Fortair, James Hall in Wester Innerrutye, Johnne M°Nycoll in Dalvanny, Johnne and James M°Nicollis, his sons, almost daily carried hagbuts in the country of Mar, and shot with the same great numbers of the deer and wild fowls in the forests and woods of the said country, and "thairby hes spoyld the same cuntrey" of that "grite nomber and store of deir and wyld foull quhairwith the said cuntrey of Mar wes formarlie verie weill plenished and grittumlie inritchit."—Hammiltoun appearing personally, and the Earl of Mar by Dand Plumber, his procurator, defenders are to be denounced for non-appearance. Page 523.

Decree against Moffat of Granton for debt.

Action by Mr Johnne Johnnstoun, advocate, against Robert Moffet of Grantoun for remaining unrelaxed from a horning of 20th March last for not paying complainer £150 as principal and 20 merks for expenses.—Pursuer appearing by Mr Robert Ferquher, defender is to be apprehended for non-appearance. Page 524.

Decree against Allardice of Skeduy for debt.

Action by Gawin Weymes, son of the late James Weymes of Caskieberriane, and Agnes Scot, his spouse, against George Allerdes of Skedwy, as principal, and Sir Johnne Boiswele of Balmowto and Sir Robert Lundy of Balgony, as sureties for him, for remaining unrelaxed from a horning of 1st November last for not paying the complainers 2000 merks as principal and 300 merks for expenses.—Pursuers appearing by Archibald Douglas, Allerdes (the only one of defenders summoned) is to be apprehended for non-appearance. Page 525.

Decree against Sir Alexander Home for debt.

Action by William Cairncors of Colmeslie against Sir Alexander Home of Snoke, for remaining unrelaxed from a horning to which he had been put on 19th July 1607, as cautioner for the late Alexander Home of Mandirstoun, for not paying complainer for certain years a yearly duty of 200 merks specified in a contract of 18th and 28th May 1578.—Pursuer appearing by Archibald Douglas, defender is to be apprehended for non-appearance. Page 526.

Protest in favour of Robertson of Straloch.

David Spalding of Eschintullie appears as procurator for Johnne Robertsoun of Straloch, and gives in a copy of letters raised by William,

ta 1609. n.–July.) Master of Tullibardin, sheriff principal of Perthshire, charging Robertsoun to appear personally this day and bring with him Johnne Dow M°Jokie *alias* Spalding in Bletoun, a notorious thief, and also to answer a complaint by the said Sheriff for taking said Johne Dow off the hands of David and Thomas Murrayis in Strathardill while they were bringing him to the Sheriff. The said procurator, having entered said Johnne Dow, protests, in respect of the absence of the said Sheriff, that Robertsoun shall not be held to answer farther in this matter till newly warned; and the Lords admit the protest.

Suspension of letters of horning against Andrew Nicolson.

;e 527. Complaint by Andro Nicolsoun, timberman, that he has been put to the horn by William Cuthill, tailor in Leith, Katherine , his spouse, James Downy, boatman there, and Robert Orrok, son of Captain David Orrok in Leith, for not answering before the Council touching his alleged assault on the said Katherine and James Downie while at supper, and for his alleged hurting of said Robert Orrok. As he had not been charged to answer till 12 days after he had sailed abroad, and had found caution in 200 merks to answer on 31st March last, and also to pay the Treasurer 20 merks for his escheat, the said horning should be suspended.—Pursuer appearing, but none of defenders, the Lords do suspend the letters.

Leslie of Boquhan committed to ward in Edinburgh Castle for having resetted John Forbes of Logy.

e 528. Complaint by Sir Thomas Hammiltoun of Bynnie, that Johnnie Leslie of Boquhan has this long time past resetted Johnne Forbes of Logy, who is not only denounced for the slaughter of Merser of Tombeg, and for shooting with hagbuts and pistolets at Mr Robert Irwing, brother of the Laird of Drum, but is one of the principals of that "infamous societe callit the Societie of the Boyis or Knychtis of the Morter" (*ante*, p. 272).—Both parties appearing, and Leslie confessing that three times within these three years he had resetted Forbes in his house, though not upon contempt, or with knowledge that he was the King's rebel, the Lords ordain Leslie to be committed to ward in the castle of Edinburgh.

Patrick Somerville committed to ward for assault on James Libberton.

: 530. Complaint by James Libbertoun in Nether Libbertoun, as follows:—On 1st instant, Alexander Somervell, younger of Hombie, accompanied by Waltir Somervell, his uncle, Archibald Binkis, his servant, Leckie Lowrie and Johnne Thomesoun, also his servants, Robert Somervell of Spittletoun, Johnne Somervell, his brother, and others, all armed, came to his part of the lands of East Newtoun, where he was delving and sowing, upbraided him, put him violently from the said lands, and delved and sowed the same with their corns over again. Again, upon 6th instant, Patrik Somervell of Spitteltoun having requested complainer to come to him with the view of settling the dispute between the Goodman of Homebie and complainer, Patrik Somervell in Wodhall, servitor to the Laird of Edzell, Mathew Somervell, his brother, and Robert Somervell, their good-brother, hounded out by the Goodman of Homebie, waylaid him while he was on his journey to the Laird of Spitteltoun; when the said Patrik Somervell in Wodhall "strak a long tyme at him" with a long sword, and would have slain him but for his own better defence. Complainer having then given up his weapons to the said Robert and Mathew

Somervellis, upon their faithful promise that he should not receive any farther injury from the said Patrik, the said Patrik, taking advantage of the occasion, pulled out the said Mathew's dirk and struck complainer with it through the left arm, to the peril of his life. The said persons then chased complainer to the house of Johnne Forrester in Gardwaltrie and laid siege to him therein.—Pursuer appearing personally, and Patrik Somervell in Wodhall, Alexander Somervell, younger of Hombie, Robert Somervell of Spitteltoun, and Mathew Somervell, being also present, but the other defenders not appearing, and Patrik Somervell having confessed that he had wounded the complainer as aforesaid, the Lords ordain the said Patrik to be committed to ward in the castle of Edinburgh. Acta 1609. (Jan.–July.) Page 531.

William Rutherford against John Penman for assault.

Complaint by William Rutherfurd, son of James Rutherfurd, burgess of Jedburgh, that he has been put to the horn by Johnne Penman, burgess there, for not answering a charge by Penman for (1) striking him through the body with a "sokit lance" while "gangand at his pleuch," (2) for striking him twice on the body with a whinger in June 1602. As complainer had never been lawfully charged, and as he had found caution in 300 merks to answer and also to pay £10 for his escheat, the said horning should be suspended.—Both parties appearing, and Rutherfurd having denied the first point of Penman's complaint, but admitted the truth of the second, the Lords suspend the horning, but ordain Rutherfurd to be committed to ward in the tolbooth of Edinburgh. Page 532.

In the matter of Bessie Turnbull, alleged to have been abducted by Robert Napier.

Sir Archibald Douglas of Quhittinghame having entered before the Council Bessie Turnbull, daughter of William Turnbull of Airdrie, conform to his commission, the said Bessie is asked, in presence of her said father, if she had been taken away against her will by Robert Naper, and whether she would remain with her father for some time. She declares that she went with Naper of her own accord, that now she is his married wife, and that she desires to remain in his company, and has no will to go with her father, because she fears his wrath. The Lords then ordain her to be "sequestrat" in the keeping of Sir Johnne Arnott, provost of Edinburgh; to whom she is delivered accordingly. She is to remain with Sir Johnne till this day 15 days; and in the meantime her father, mother, and friends are to have access to her. Sederunts, Fol. 80, a.

Patrick Mortimer prosecuted for non-conformity.

James, Bishop of Orknay, and Masters Patrik Galloway, Johnne Hall, and Peter Hewatt, ministers of Edinburgh, appear before the Council, and declare that they have dealt with Patrik Mortymer, excommunicate, now in ward in the tolbooth of Edinburgh, for satisfying him in such points of his religion as he stands in doubt of, and that, finding in him some tokens of conformity, they are willing that he should be relieved, on caution that by 1st July next he shall satisfy his presbytery or else re-enter in ward. Acta 1609, Page 533.

Edinburgh, 2nd May.[1]

Sederunt—Chancellor; Dumbar; Crawfurd; Mar; Wyntoun; Wig-

[1] It will have been observed that very few Council meetings are recorded for the month of April just ended. Calderwood seems to have found no incident of that month so much worth noting as the ceremonious observance of the Feast-day of St

a 1609. (1.–July.)

toun; Abircorne; Bishop of Glasgow; Bishop of Ros; Bishop of Orknay; Bishop of the Isles; Bugcleuch; Blantyre; Master of Elphinstoun; Edzell; Quhittinghame; Advocate; Collector; Clerk of Register; Sir Lues Craig; Foistersait; Sir William Hairt; Sir Johnne Arnot.

The Earl of Abercorn renounces Mure of Auchindrane's forfeiture.

James, Earl of Abircorne, appears, and of his own accord renounces in his Majesty's hands all gifts or promises made to him by the King concerning the forfeiture of Mure of Auchindrane, at the same time presenting two letters signed by his Highness, one dated at Roistoun 18th October 1607 and the other at Hampton Court, 26th September 1608, both promising him a free grant of all lands and goods belonging to the Laird of Auchindrane which by Auchindrane's forfeiture should fall to his Majesty.—Connect with Royal Letter to the Council of date 15th April last, and with Council's letter to the King of 3rd May.

Proclamation against molesting any of his Majesty's servants employed in cutting timber for his navy in Lochaber Woods.

Preamble as follows:—"His Majestie, upoun divers speciall considerationis tending to the suirtie of his Heynes Estaite, haveing resolved to augment his navy and schipping this present yeir, hes for this effect tane ordour with the awnairis and possessouris of the woodis and forrestis in Loquhaber, for thair rycht of so muche of the saidis woodis as necessarlie will serve for that use, and hes directit some of his awne servandis to cutt the saidis woodis, and to sie the same caryed and brocht to the nixt shore, quhair most commodiouslie it may be schipped and transported to England." Now, "quhairas his Majestie noway doubteth bot that all his good and loving subjectis will behave thameselffis loveinglie and kyndlie
534. to his Majesteis saidis servandis, assist and ayd thame in this service, and forbeir to do thame ony hairme, injurie, or molestatioun, or to trouble and impede thame in the said service, yitt, becaus some craftie and subtile personis, pretending misknawlege that his Majesteis saidis servandis ar specialie directit and imployed be his Heynes in this eirand, may thairupoun tak occasioun to imped and hinder thame in the same eirand, and

George by the Earl of Dunbar in the town of Berwick. "Upon the Lord's day the 24th of Aprile," writes Calderwood (vii. 18), "Dumbar made a solemne feast in the town of Berwick. He was served, as one of the Knights of the Garter, by lords, knights, barons, and gentlemen of good ranke. A great number of people, both Scotish and English, were at that feast, which was made according to the English fashioun. Beside this feast made in honour of St George, the patron of England, he used certane ceremoneis in the kirk; for he went to the kirk in pompe, where were standing upon the altar two chandlers, eache having a waxe candle burning, and a booke upon the altar. He bowed himself reverentlie upon the altar, in remembrance of St George. Therafter he made a reverence to the King's picture, placed beside, and then kneeled doun on his knee before the altar, where was a man standing beside with a silver basin, wherin he layed some peeces of gold. After this offering made, he heard a sermoun, wherin was much commendatioun of the King, and of the Erle of Dumbar. After sermoun he went to dinner, convoyed with lords, knights, barons, gentlemen, and souldiours."—St George's Day, the 23rd of April, is now universally voted to have been Shakespeare's birth-day. There was no thought of that coincidence either in England or in Scotland in 1609. One can imagine now, however, that on that very Sunday on which the Earl of Dunbar was holding St George's Feast in the described fashion at Berwick, Shakespeare, who had completed his forty-fifth year the day before, was in the church of Stratford-on-Avon, doing honour also to England's patron saint.

utherwyse attempt some violent and extraordiner deid aganis thair awne personis and thairby frustrat and disapoint his Majesteis service," therefore proclamation is ordered to be made at the market cross of Invernes and all other places needful, intimating that his Majesty's said servants are especially employed by him in that service, and inhibiting all and sundry from molesting them in the cutting of the wood or transporting of the same to the sea coast and shipping it, as they shall answer at their highest peril. Acta 1609. (Jan.-July.)

Act of exoneration and indemnity to Sir William Cranstoun as Captain of the Garrison in the late Borders, and to his company and friends in that service, for all acts done by them, however strained, in pacifying those parts.

A letter, signed by his Majesty in favour of Sir William Cranstoun, is found by the Lords to be most just, and is therefore ordered by them to be registered, so as to have the force of an Act of Council:—The letter opens as follows:—"JAMES R.: We undirstanding that oure trustie and weilbelovit Sir William Cranstoun of that Ilk, knycht, capitane of the garisoun appointit to attend in that service for quieting and reduceing to oure obedience of the inhabitantis of the lait Bordouris of oure kingdome of Scotland, hes in that his chairge dewtifullie behavit himselff and done to us verie good and acceptable service, and, in his fordwardnes in executioun of oure directionis, not onlie hes exponit himself and his company, with divers of his freindis and dependairis assisting him thairin, to mony perrillis and hazertis, but also, throw sindrie suddane incidentis for thair saiftie and repressing of these lawless thevis and insolent outlawis, hes bene constranit in thair persute to mak ane quick dispatche of ane grite nomber of thame without ony convictioun or dome gevin aganis thame be ane assyse, and sometyme to assedge thame in houssis and strenthis, and to rais fyre and use all uther hostile persute for recovering thairof and thair apprehensioun, as the necessitie urgit and occasioun wes offerit,—it being maist certane that the said Sir William, in that executioun of his chairge, hes done na wilfull injurie nor manifest wrong to nane of oure good and peciable subjectis, as by thair silence and benefite ressavit be the said service in thay pairtis is mair nor manifest: And we considering that the said Sir William, be his reddynes in executing of oure saidis directionis, hes incurrit the malice of sic as haittis oure peace and obedience; quha, nevirtheles, obscuring thair wicked intentioun for the tyme, intendis heirefter to utter the same be forgeing of some actioun or challenge aganis him, his company and freindis, for executing of some point of the service done in that his imployment,—being nawyse able to verifie the same at this present; quhilk affurdes sufficient testimonie baith to convince thair malice and to cleir the said Sir William in all his proceidingis, &c." On these grounds, his Majesty, with advice of the Council, ratifies and approves all and sundry executions done by the said Sir William, his company and friends, in that service since the time of his first employment, viz., the time of the "happie unioun of these two kingdomes undir oure impyre," and accordingly exonerates him, Sir Johnne and James Cranstonis, his sons, Johnne Cranstoun, his brother, Alexander Cranstoun of Moreistoun and Johnne Cranstoune of Skaidisbus, bis special friends in that service, of all actions of pursuit, shooting with fire-arms, Page 535. Page 536.

cta 1609. an.–July.)

slaughter, mutilation, fire-raising, or the like, committed by them in apprehending the said thieves and outlaws during the time foresaid.—Compare with previous act of exoneration to Sir William, of the same nature, which will be found at pp. 286–7 of vol. vii. under date 23rd December.

ederunts, ol. 80, b.

The Lords ordain Bessie Turnbull to be "sequestrat" in the house of Sir Johnne Arnott till Lammas next (*ante*, p. 276); they ordain that neither of the two parties having interest in her case,—her father and his friends on the one part, or William Naper and his friends on the other—shall have access to her meanwhile; and they farther ordain that her father shall by this day fifteen days raise his action for reduction of the marriage passed between her and Robert Naper. Anent the marriage of Bessie Turnbull and Robert Napier.

ol. 81, a.

Missive to be sent to his Majesty anent the surrender made by the Earl of Abircorne; another anent the commission to the Earl of Craufurde and his friends against Lord Spynie's slayers; and a third in favour of Thomas Henderson.—See the Letters among the *Royal and Other Letters*, the first two dated 3rd May and the last 16th May. Letters to his Majesty.

cta 1609. an.–July.) age 537.

Sederunt—Chancellor; Mar; Home; Abircorne; Uchiltrie; Master of Elphingstoun; Halyruidhouse; Blantyre; Quhittinghame; Justice Clerk; Advocate; Sir Alexander Drummond; Sir Johnne Arnot; Sir William Hairt. Edinburgh, 3rd May.

Action by dame Margaret Scot, spouse of Sir James Scot of Abotishall, and by William Scot, apparent of Balwerie, her brother, against said Sir James for remaining unrelaxed from a horning of 1st December last for not fulfilling to the complainers a matrimonial contract made between them and him of date 26th February 1607, and specially for not paying the complainers 10,000 merks as penalty and expenses specified in said contract.—Pursuers appearing by Archibald Douglas, there is warrant to the Captain of the Guard to apprehend defender for non-appearance. Decree against Scott of Abbotshall for breach of a matrimonial contract.

age 538.

Action by Andro Plumbar, writer in Edinburgh, against Sir James Forrester of Garden for remaining unrelaxed from a horning of 25th March last for not relieving complainer at the hands of Mr George Tod of Shyrismyne of the payment of 600 merks as principal and 80 merks of expenses specified in the letters obligatory made by complainer and defender to Tod.—Pursuer appearing by Archibald Dowglas, defender is to be apprehended for non-appearance. Decree against Sir James Forrester for debt.

age 539.

Action by David Lichtoun in the Mains of Auchrae, Agnes Fraser, his spouse, and Johne Lichtoun, their son, against Johnne Lindsay of Evelict, and Patrik Lindsay, his son, for remaining unrelaxed from a horning of 17th February 1608 for not redeeming from complainers the lands of Evelict and Leckwie, lying within the barony of Fynnevin and shire of Forfair, by paying them 2000 merks as principal and 500 merks as expenses.—Pursuers appearing by Archibald Douglas, defenders are to be apprehended for non-appearance. Decree against Lindsay of Evelick and son for debt.

'age 540.

Action by Mr Johnne Skrogie, advocate, against David M°Culloch of Druchtage, for remaining unrelaxed from a horning of 10th March last for Decree against David MacCulloch for debt.

not paying complainer 200 merks.—Pursuer appearing personally, defender is to be apprehended for non-appearance. Acta 1609. (Jan.–July.)

Decree against Futhie of Boysack and sons for debt.

Action by Williame Naper of Wrichtishoussis against Henry Futhie of Boysaik, and Mr James and Thomas, his sons, for remaining unrelaxed from a horning of 4th March last for not paying him 1650 merks.—Pursuer appearing personally, decree as above against defenders. Page 541.

Protest in favour of Lord Balfour of Burley in a matter between him and the Scotts of Tushielaw.

Mr James Lawtie, advocate, appears as procurator for Michaell, Lord Balfour of Burley, and James Lawrie, his depute, and gives in a copy of letters raised by Waltir Scot of Tuschelaw, and Robert and James Scottis, his sons, charging Lawtie to produce the letters of horning executed against Scot and his sons, ordering them to buy from the said depute the legal outfit of arms, and this with a view to the suspension of the said letters. Neither Scot nor either of his sons appearing, said procurator protests that the said letters shall be put to farther execution; and the Lords admit the protest and ordain accordingly. Page 542.

William Petrie, bailie of Montrose, to be denounced for not holding a certain rebel in close confinement.

Complaint by David, Lord of Scone, captain of the guard, and George Bruce of Carnok, burgess of Culrois, that, Andro Petrie, burgess of Monrois, having been denounced rebel for not paying Bruce £350, and Johnne Dempster, one of the guard, having apprehended the said Andro Petrie, and delivered him to William Petrie, bailie of Monros, to be committed to ward in the tolbooth there, the said bailie, "fer by the dewtie of his office," gives the said rebel absolute liberty of range in the burgh, as if he were a free liege.—The pursuers appearing by Archibald Douglas, William Petrie, for neither appearing himself nor having entered the said rebel before the Council, as charged, is to be denounced rebel. Page 543. Page 544.

Adjournment of the question between Lindsay of Edzell and the Earl of Crawford.

The Council continue to 6th June next the letters raised by Sir David Lindsay of Edzell against David, Earl of Crawfurd, David Gairne of Latoun, and Thomas Lyell of Murthlie, for suspending the commission granted to them for pursuit of the authors of Lord Spynie's slaughter.—See *ante*, p. 209; and connect with Council's letter to the King of this date, 3rd May 1609.

Order for the custody of George Seton, afflicted with "ane havy disease of frenasie."

As it has been "the goode pleasour of God to visite George Seytoun, sone naturall to umquhile Capitane George Seytoun, with ane havy disease of frenasie, sua that, being now become furious, he is not onlie unable to governe his awne persone and to administrat his awne affairis, bot with that, quhen he hes full libertie, he committis sindrie insolenceis and foleyis, verie sclanderous and of evill example;" and as on this account he has been apprehended by the provost and bailies of Hadingtoun and committed to their prison; and as "during his remaneing in that waird no suche cair and regaird can be had of him as beseameth ane of his estaite under so havie a visitatioun and disease," and it is "verie requisite and necessar that he be in the company of suche personis who cairfullie, lovinglie, and kyndlie will caus attendance be gevin upoun him, and suche ordinary meanes to be usit whilk at Godis pleasour may mitigat the rage and violence of his disease": therefore George Seytoun of Northrig, near kinsman to the said George, is appointed to have the keep- Commissions, Fol. 30, b. Fol. 31, a.

nmissions.

ing of him, and the provost and bailies of Hadingtoun are to be charged to deliver the said George to his said kinsman at such time as he may come to receive the said George off their hands. The order is passed under the signet, and is signed by the Chancellor.

a 1609.
n.–July.)
e 544.

Sederunt—Dumbar; Bishop of Glasgow; Bishop of the Isles; Comptroller; Justice Clerk; Advocate; Collector; Quhittinghame; Clerk of Register; Sir Lues Craig; Foistersait; Sir Johne Arnot; Sir William Hairt. Edinburgh, 12th May.[1]

Having, according to the King's special direction, heard the accounts made by Andro, Lord Stewart of Uchiltree, in his late service of lieutenancy in the Isles, and having found the said accounts "sa confusedlie maid and sett doun, and thre severall tymes gevin in,"—the first account being for £40,000, the second for £30,000, and that given in this day for £19,000 and some odd hundred pounds,—in respect thereof, and of the "daylie debursementis upoun mony necessar occasionis of his Majesteis service," the Lords of Council propose that, if it be the King's gracious will, Lord Ochiltrie shall have £10,000 in full satisfaction of all his charges in the said service of lieutenancy. Confused accounts of Lord Ochiltree for his late service of Lieutenancy in the Isles: offer to him of £10,000 in full discharge of all claims.

e 545.

Sederunt—Chancellor; Dumbar; Bishop of the Isles; Wyntoun; Roxburgh; Halyruidhouse; Burlie; Quhittinghame; Advocate; Sir Lues Craig; Foistersait; Sir Johnne Arnot. Edinburgh, 14th May.

The Council being informed that there are some "cofferis and kistis pertening to certane jesuitis and trafficquing papistis" in the house of Andro Fergussoun in the Cannogait, and that in the said chests it is "verie liklie that thair is some letters and writtis quhilkis may discover thair practizeis aganis the estate and religioun," the bailies of the Cannogait are ordained to transport the said chests from said house to the palace of Halyruidhouse, and commission is given to George, Earl of Dumbar, Johnne, Lord Halyruidhouse, James, Lord of Bewlie, comptroller, Order for seizing and examining certain coffers and chests belonging to Jesuits and Papists and left in a house in the Canongate.

[1] In the interval between this Council meeting and the last there had been held at Falkland that conference on the "Second Caus of Eylasts in the Kirk,"—to wit, diversities of opinion on questions of church government and discipline,—to which the Linlithgow General Assembly of 1608 had deputed the consideration of that difficult subject (*ante*, p. 141, footnote). The Earls of Dunbar and Wigton, Lord Scone, and Collector Preston were present as Commissioners for his Majesty, while Archbishops Gledstanes and Spotswood and seven other divines of the Episcopal side represented that side for the clergy, and nine ministers represented the Presbyterian side. As being a committee from the last General Assembly "Anent Reformation of Discipline," the members of the conference discussed amicably for two days (4th and 5th May) the subjects of Bishops, Constant Moderators, &c. An account of the proceedings is given by Calderwood, vii. 27–38. Nothing more effective was done than to agree upon an adjournment of the conference to the following August, recommending moderation on both sides in the meantime; but the impression left by Calderwood's account is that the Episcopal divines managed best and had the advantage on the whole, and indeed that, while the representatives of Presbyterianism collectively had lost courage, some of them were tending already privately to the winning cause.

and Mr Johnne Prestoun of Pennycuke, collector, to open the said coffers, and to inventory the writs and other graith found therein. Acta 1609. (Jan.–July.)

Edinburgh, 15th May.

Sederunt—Chancellor; Dumbar; Wyntoun; Lotheane; Roxburgh; Halyruidhouse; Burley; Constable of Dundie; Quhittinghame; Advocate; Collector; Sir Lues Craig; Foistersait; Sir Johnne Arnott.

Suspension of horning obtained by William Turnbull against Robert Napier for the abduction of Bessie Turnbull.

Complaint by Robert Naper, son of William Naper of Wrichtishoussis, that he is put to the horn by William Turnble of Airdrie for not entering Bessie Turnble, daughter of said William, before the Council, and for his alleged convoy of her furth of her said father's house. As he has never been lawfully charged, as she is now presented before the Council, and as he found caution in £2000 to answer on 16th May in the premisses, the said horning should be suspended.—Both parties appearing, the Lords do suspend the horning. Page 546. Page 547.

In the matter of the said Bessie Turnbull and Robert Napier and their alleged marriage: Bessie to be sequestrated meanwhile in the house of Sir John Arnot.

The Lords of Council, having heard first the story of Bessie Turnble, daughter of William Turnbull of Airdrie, and then that of Robert Naper, son of William Naper, burgess of Edinburgh, and understanding that there is an action depending for the reduction of the pretended marriage between Bessie and Robert, and finding it not meet that during the dependence of this action she shall be in the keeping of either her father or her said pretended husband, ordain her to remain "sequestrat" with Sir Johnne Arnot, provost of Edinburgh, while the action depends, and request Arnot to allow her father and mother, on the one part, and the said William Naper, and Mr William and Robert Naperis, his sons, on the other part, to have free access to her once or twice in the week only, with their procurators following: viz. Mr William Oliphant, Mr Johnne Russell, and Adam Lawtie, nominated by her father, and Mr Alexander King and James King, nominated by the said Mr William and Robert Naperis. The access to her shall be in presence of the said provost and Sir Lues Craig of Wrichtisland; and both parties are ordained to keep the peace meanwhile.

Parliament.

Missives ordained to be written for the Estates to the Parliament.—See the two letters of this date among the *Royal and Other Letters.* Sederunts, Fol. 81, a.

Edinburgh, 16th May.

Sederunt—Chancellor; Wyntoun; Perth; Torphechin; Bishop of Ros; Bishop of Orknay; Bishop of Galloway; Halyruidhous; Bewlie; Master of Elphinstoun; Constable of Dundie; Edzell; Quhittinghame; Privy Seal; Advocate; Collector; Clerk of Register; Mr Petir Rollok; Sir Alexander Drummond; Sir Johne Arnot; Foistersait. Acta 1609. (Jan.–July.) Page 548.

Decree against the Earl of Crawford for debt.

Action by Katherine Guthrie, Lady Carrestoun, and Johnne Stratoun of Auchinoull, her spouse, for his interest, against David, Earl of Craufurd, for remaining unrelaxed from a horning of 17th February for not paying

Acta 1609. Jan.–July.) Page 549.

them arrears of a yearly duty of 28 bolls of bear and 14 bolls of oatmeal, or else the prices thereof, with £40, as specified in a contract made thereanent of date 4th March 1590.—Stratoun appearing, defender is to be apprehended for non-appearance.

Captain Patrick Heron sued by Mr Robert Oliphant for restitution of certain goods wrongously taken: defender committed to ward.

Captain Patrik Hering appears, conform to the Act whereby Sir David Hering of Lethintie had become surety for him in 500 merks that by this date he would either account to Mr Robert Oliphant, brother of George Oliphant of Bachiltoun, for all sums of money, jewels, and other goods, taken by him from Mr Robert in June last, when the said Captain apprehended the said Mr Robert by virtue of a commission, and this according to an inventory of the said goods taken by the mayor and aldermen of the city of Canterbury, or else would answer this day before the Council to such things as should be laid to his charge by the said Mr Robert touching his intromission with the said goods. Said Mr Robert also appearing, and the Lords having heard the allegations of both parties, together with the King's letter directed to them commanding restitution to be made to the said Mr Robert of his said goods by Captain Hering (see Royal Letter of date 6th March 1609), the said Captain is ordained to deliver to Mr Robert

Page 550.

the following articles specified in the said inventory: viz. 8 angels; two half rose nobles; one double pistolet; two French crowns and a half; one Albertus angel; two English crowns; one Turkish piece of gold; two gold rings, and a loose stone belonging to one; seven pounds, one shilling, six pence, in English money; three Netherland dollars; one piece of four royals; two "quart decuris"; seven pieces of several coins of silver; two purses; one sword; one "trunck"; one "male"; two "budgette." Farther, the Captain is ordered to be committed to ward in the tolbooth of Edinburgh and detained there till he make said redress.—Connect with Royal Letter of 6th March last.

Protest in favour of Fairlie of Braid.

Alexander Fairlie of Braid appears and gives in a copy of letters raised by Margaret Smyth, relict of Mr Robert Pont, minister, charging him to answer for lying at the horn for not paying her his part of 100 merks given to her by the parishioners of the West Kirk of Edinburgh for the expenses disbursed by her late husband in building the manse of the said kirk.—The said Margaret not appearing, Fairlie protests that he shall not

Page 551.

be held to answer farther in this matter till newly warned; and the Lords admit the protest.

Edinburgh, 18th May.

Sederunt—Elphingstoun; Bishop of Ros; Bishop of Orknay; Master of Elphingstoun; Comptroller; Edzell; Quhittinghame; Advocate; Collector; Clerk of Register; Logy; Sir Lues Craig; Sir Alexander Drummond; Polwart; Foistersait; Sir Johne Arnot.

William Rowan against Crichton of Cluny and others for divers acts of oppression.

Complaint by William Rowane of Bellindane, Cristeane Barclay, his spouse, and James Dewcher, his tenant, as follows:—In December last, while William Rowane was in Edinburgh, attending on the Session, David Gairdin, Gawin Dalzell, Johne Cothill, and David Prophett, servitors to

Sir Robert Creichtoun of Cluny, with others, all armed, came at night to his lands of Courthill, broke up the doors of his houses, then occupied by "some wemen and bairnis" only, "misusit" them, and reft all his geese, hens, and other bestial, and small gear about his house. Afterwards, in the same month, the said persons, with James Stewart, chamberlain of Reid Castle, hounded out by the said Sir Robert, came to the complainer's lands of Gairdin, and threatened his tenants, charging them to acknowledge the said Sir Robert and not to obey the complainer, under pain of their lives. They then assaulted the said James Dewcher, and at their departing reft the complainer's whole corns, and houghed the rest of his goods. Again, in March last, they took away all his horses and oxen from his lands of Courthill, seized his houses, reft all his corns, and assaulted Cristeane Barclay, his spouse.—Rowane appearing, but neither Sir Robert nor any other of the defenders, the order is to denounce these rebels. Acta 1609. (Jan.–July.) Page 552. Page 553.

James Davidson against William Johnston and others for hamesucken and assault.

Complaint by the King's Advocate, and by James Davidsoun in Lochwoodmains, that, on 16th April last, Willie Johnnstoun, called Jokie's Willie of the Kirkhill, and Francie, Jokie, and James, his brothers, came by way of hamesucken to Davidson's house in the mains of Lochwood, most fiercely set upon him, shot a hagbut into his breast, and wounded him with drawn swords.—Pursuers appearing personally, defenders are to be denounced for non-appearance. Page 554.

Decree against Patrick Barclay and George Dempster for debt.

Action by Mr Johnne Dempster, advocate, against Patrik Barclay, apparent of the Mill of Segat, and George Dempster of Haswallis, for remaining unrelaxed from a horning of 20th March last for not paying him £180, with 40s. for each ell of 30 ells of white plaiding, being the maill and duty of his third part of the lands of Logyaltoun for the year 1606, and for not fulfilling to him the contract made thereanent.—Pursuer appearing by Alexander Douglas, defenders are to be apprehended for non-appearance. Page 555.

Decree against Alexander Moffat and Alexander Carmichael for debt.

Action by Nicoll Forsyth, merchant, burgess of Edinburgh, against Alexander Moffet in Davidschaw for remaining unrelaxed from a horning of 4th March for not relieving complainer at the hands of Gilbert Johnnstoun, burgess there, of payment to him of 100 merks as principal, £10 of expenses, and £10 for additional expenses. Action also of the same against Alexander Carmichaell of Burnehous for remaining unrelaxed from a horning of 1st November 1608, to which he had been put by Elizabeth Lichtoun, relict of Johnne Douglas, tailor, burgess of Edinburgh, for not paying her 100 merks as principal and 20 merks for expenses; which debt had been assigned by her to complainer on 26th July 1608.—Pursuer appearing, defenders are to be apprehended for non-appearance. Page 556.

John Irvine against Robert Skene for shooting at him and seeking his life.

Complaint by the King's Advocate and by Johnne Irwing of Ardtanfurd, as follows:—On 22nd November 1607, Robert Skene, called the Tutor of Skene, armed with hagbuts and pistolets and other weapons, came to the complainer while he was hunting on his own lands of Newtoun, and there most fiercely set upon him, discharged a pistolet at him, and would have slain him but for his own better defence. Further, on 22nd August last, Page 557.

cta 1609. 'an.–July.)

Skene had repaired to Kinkarne O'Neill, where he hoped to forgather with the complainer at Bartile fair, held on 22nd, 23rd, and 24th August, and had on these days passed up and down the market with pistolets at his belt, seeking complainer for his slaughter.—Pursuer appearing personally, defender is to be apprehended for non-appearance.

age 558.

Decree against Mr Robert Ross and others for debt.

Action by Johne Tyrie at the Touch Mill, and Bessie Andersoun, his spouse, against Mr Robert Ros of Cragie, as principal, and Oliver Rattray in Cragy, Patrik Kynnaird there, Alexander Miller at the Mill of Cragy, and Gilbert Stratoun, merchant in Perth, for remaining unrelaxed from a horning of 8th April last for not paying to the complainers 800 merks as principal and £80 of expenses.—Johnne Tyrie appearing personally, defenders are to be apprehended for non-appearance.

'ages 559–561.

Suspension of horning obtained against Cathcart of Bardarroch and Michael Dalrymple by David Fergushill and others.

Complaint by William Cathcart of Bardarroch, and Michaell Dalrumple, burgess of Air, that they are put to the horn by the King's Advocate for his Majesty's interest, and by David Fergusoun (? Fergushill), provost, Johnne Jamesoun and George Cochrane, bailies, of Air, and Johnne Oisburne, David Craufurd, Joseph Miller, advocate, and James Johnnstoun, curators to William, Jonet, and Elizabeth Rysydis, bairns of late William Rysyde, merchant in Edinburgh, for not answering before the Council touching their alleged coming with hagbuts and pistolets to the merchant booth of the father of the said minors, forcibly breaking up thereof, and reiving the whole goods therein. As the complainers were never lawfully charged, and as they found caution each in 300 merks to answer this day to the complaint and to pay £10 each for their escheats, the said horning ought to be suspended.—Pursuer appearing, but none of defenders, the Lords do suspend the letters.

age 562.

Suspension of horning obtained by Currour of Inchdrower against Alexander Gordon and others.

Complaint by Alexander Gordoun, son natural of Johnne Gordoun of Bogie, sheriff-depute of Abirdene, Andro Baverlie in Logy, Thomas Baverlie there, and William Coutis in Straloch, that they are denounced rebels by the King's Advocate, and by George Currour of Inchedrour, Jean Hay, his spouse, and Cristeane Currour, their daughter, for not answering before the Council touching their alleged coming with hagbuts and pistolets at night to the said George's house in Abirdene, violently entering therein, searching for the said Cristeane to ravish her, and assaulting her said mother (*ante*, p. 246). As they were never lawfully charged, and as they found caution each in 1000 merks to answer this day and also to pay each £10 for his escheat if they have any goods outwith the regality of Lendoris, the said horning should be suspended.—Pursuer appearing, but none of defenders, the Lords do suspend the horning.

'age 563.

ederunts, 'ol. 81, b.

23rd May.

Sederunt—Chancellor; Craufurde; Cassillis; Wyntoun; Roxburgh; Haliruidhous; Bishop of Ros; Edzell; Polwart; Quhittinghame; Privy Seal; Mr Peter Rollok; Advocate; Collector; Preistisfeild; Sir Alexander Drummond; Logy; Sir Johnne Arnott.

John Buchanan.

A missive to be written to his Majesty in favour of Johnne Buquhannane. —See the Letter of this date among the *Royal and Other Letters.* Sederunts, Fol. 81, b.

Edinburgh, 25th May.

Sederunt—Chancellor; Craufurde; Wyntoun; Lotheane; Gray; Haliruidhous; Master of Elphinstoun; Bishop of Ros; Bishop of Orknay; Privy Seal; Advocate; Collector; Bruntiland; Sir Lues Craig; Sir Alexander Drummond; Polwart; Logy; Fostersait; Sir Johnne Arnott.[1]

Decree against Maxwell, fiar of Tealing, for debt.

Action by Mr Alexander Levingstoun, advocate, against Hew Maxwell, fiar of Teling, as principal, and George Maxwell of Balgra of Teling, as surety, for remaining unrelaxed from a horning of 1st December 1604 for not paying to Marjorie Forrester, relict of David Cokburne, burgess of Dundie, 600 merks as principal and 100 merks as expenses, with £20 for the charge executed against them for the payment of the said sum; which debt she had assigned to the complainer on 23rd April 1608.—Charge had been given to said Hew to answer; and now, complainer appearing by Archibald Douglas, defender is to be apprehended for non-appearance. Acta 1609. (Jan.–July.) Page 563. Page 564.

Decree against Otterburne of Reidhall for debt.

Action by William M°Math, burgess of Edinburgh, against Thomas Ottirburne, elder of Reidhall, for remaining unrelaxed from a horning of 13th July last for not paying complainer £56 as principal and £10 as expenses.—Pursuer appearing by Archibald Douglas, decree against defender as in last Act. Page 565.

Suspension of horning obtained against Henry Osburne and Robert Dalrymple by Kennedy of Culzean.

Complaint by Henry Oisburne and Robert Dalrumple, merchants, burgesses of Air, that they are denounced rebels by James Kennedy of Culzeane for not answering for alleged resetting of Thomas M°Alexander, put to the horn for the murder of Sir Thomas Kennedy of Culzeane, father of the said James. As they were never lawfully charged, and as they had found caution in 300 merks each to answer this day to the complaint, and also to pay 20 merks for their escheats, the said horning should be suspended.—Complainers appearing by Johnne Oisburne, bailie of Air, who produces a certificate, subscribed by the provost, bailies, minister, and clerk of Air, that complainers are in France at their trade of merchandise, and defender appearing personally and passing from the said pursuit, the Lords do suspend the horning. Page 566. Page 567.

Decree against Strang of Balcasky and others for debt to the Queen's Chamberlain.

Complaint by Henry Wardlaw of Balmule, chamberlain to the Queen for the lordship of Dunfermling, that the following persons remain as yet unrelaxed from the hornings to which they had been put on 22nd April last for not paying complainer the quantities of victual underwritten for the year 1608:—William Moncreif of that Ilk, 4 bolls wheat 8 bolls bear 2 chalders of oats for the teinds of the mains of Carnebie; Johne Strang of Balcaskie, 4 bolls wheat 20 bolls bear 3 chalders oats for the teinds of Balcasky and Unstoun; Sir Johne Melvill of Over Carnbie, 5 bolls bear 22 bolls oats; Petir Oliphant of Kelliemills, 3 bolls bear 6 bolls

[1] This sederunt is taken from the *Book of Sederunts* (Fol. 81, b), the corresponding one in the Register being identical with that of next meeting, and therefore probably incorrect.

ta 1609. (n.–July.) oats for the teinds of Kellie-mains; David (? George) Hodge and Thomas Irnes in Kellie-mains, 4 bolls wheat 6 bolls 10 pecks 2 lippies bear 2 chalders of oats; Alexander Martyne of Giblistoun, 6 firlots wheat 4 bolls bear 13 bolls oats; Allane Thomesoun of Lingo, 5 firlots bear 5 bolls oats for his teinds of Lingo; James Thomesoun in Bellistoun, 5 firlots 5 lippies wheat 2 bolls 2 firlots 3 pecks bear 8 bolls oats; Elizabeth Wischart, Lady Balmonth, 4 bolls bear 1 chalder oats for the teinds of
ge 568. Balmonth; David Jak in Longsyde, 2 firlots bear and 1 boll oats.—Charge had been given to Strang of Balcaskie, Sir Johne Melvill, David Hog, Thomas Irnis, Allan Thomsoun, James Thomesoun, Elizabeth Wischart, and David Jak, to answer to this complaint; and now, pursuer appearing by Archibald Douglas, defenders are to be apprehended by the Captain of the Guard for non-compearance.

Decree against Maxwell, younger of Tealing, for debt.

Action by David Rossie of that Ilk against Hew Maxwell, fiar of Teilling, for remaining unrelaxed from a horning of 8th May instant for not
ge 569. paying him 250 merks as principal and 20s. for expenses.—Pursuer appearing by Archibald Douglas, decree as in last act against defender.

Protest in favour of James Burnet, charged with assault in Fraserburgh.

James Burnet, "ostler" in Fraserburgh, appears and gives in a copy of letters raised by Lilias Ranie, spouse of William Andirsoun, cordiner in Fraserburgh, and by her said spouse for his interest, charging Burnet to answer this day for his alleged striking her with his "fauldit nevis" upon the face, "rascheing of hir to the earth within his awne house, leiping upoun hir bellie, and with his feit possing, birsing, and breking the haill ribbis of boith the said Lilias sydis, scho being grite with chyld"; by which violence "the said Lilias not onlie pairtit with barne, bot the
ge 570. harne pane of the said barne wes brusit and brokin in peiceis, sua that the harnes of the said barne burst furth."—Neither she nor her spouse appearing, Burnet protests that he shall not be held to answer farther till again warned; and the Lords admit the protest.

Decree against James Tweedie for encroachment.

Action by Mr Archibald Row, minister at Stobo, against James Twedy in Stank, for remaining unrelaxed from a horning of 9th January last for not removing from that part of the complainer's glebe called the Willie
ge 571. Croft.—Pursuer appearing personally, defender is to be apprehended for non-appearance.

Decree against Dunbar of Westfield and others for debt.

Complaint by William Nicolsoun, merchant, burgess of Edinburgh, that the following persons remain unrelaxed from hornings of 22nd March for the causes underwritten:—Normond Dumbar of Inchekeill for not paying complainer 200 merks as principal and £40 expenses; James Ker of Sindielawis and Mr James Gairdin, burgess of Elgin, for not paying him £10 for each boll of eight score bolls of victual, half bear half white oats, "with the cheritie undeliverit be thame," conforme to a contract dated 5th November 1599; Johne Dumbar of Moynes, Mark Dumbar of Duris, Patrik Dumbar of Conzie, Mr James Dundas of Windiehillis, and Alexander Dumbar of Westfield, their cautioners, for not fulfilling to complainer the letters obligatory to him of date 7th and 1st June and July 1603, and for not paying him £8 for expenses of plea.

—Pursuer appearing by Archibald Douglas, defenders are to be apprehended for non-appearance. Acta 1609. (Jan.–July.) Page 572.

Decree against John and William Mac-Intosh for debt.

Complaint by David M^cDuff in Finduie, Johnne Robertsoun, *alias* Tarlochsoun, apparent of Monzeis, James M^cDuf, eldest son and apparent heir of said David, Duncane Robertsoun of Duncavene, George Leslie of Tolduff, Johnne Stewart Neilsoun of Granich, and Alexander Robertsoun, *alias* Tarlochsoun, of Inchmagranich, that the following persons remain unrelaxed from hornings as follows:—(1) Horning of 18th July last: Johnne M^cIntosche of Dallieyeill, son of late Lauchlane M^cIntoshe of Dunnachtane, for not relieving said David M^cDuff, Johnne Robertsoun, and James M^cDuff, Page 573. at the hands of Robert Campbell of Glenfalloch, of the payment of the first 2000 merks appointed to be paid to him on 1st June 1606, with 200 merks of expenses; also for not relieving said Duncane Robertsoun and George Leslie of payment of other 2000 merks as principal and 200 merks of expenses appointed to be paid to Campbell on 7th November 1606; also for not relieving said Johne Stewart and Alexander Robertsoun of the payment to Campbell of the last 2500 merks as principal and 250 merks of expenses; also for not relieving said David M^cDuf at the hands of the persons abovenamed of payment to them of the sums foresaid, and for not relieving the whole cautioners for the said rebel of the payment of £200 specified in the matrimonial contract between said deceased Lauchlane M^cIntosche, M^cIntosche, his daughter, and said Robert Campbell and their cautioners. (2) Horning of 21st July last: William M^cIntosche of Beandoquhair for not relieving said David M^cDuff at the hands of Campbell of the two last terms' payment of the principal sums foresaid, extending to 4500 merks and 450 merks of expenses, with 200 merks as damages, as by the band of relief made to said David M^cDuff as principal.—Pursuers appearing by Archibald Douglas, Johne and William Page 574. M^cIntosche are to be apprehended for non-appearance.

Decree against Sir Neil Montgomery of Langshaw for debt.

Action by Elizabeth Wallace against Sir Neill Montgomerie of Langschaw for remaining unrelaxed from a horning of 12th February 1607 for not paying and delivering to her the victual, fermes, cains, and other duties specified in the letters of horning.—Pursuer appearing by Archibald Page 575. Douglas, decree against defender as in last act.

James Park and others against John Mitchelson and others for violence and assault.

Complaint by James Perk in Lesswaid, Bessie Flewker, his spouse, and Johnne Roisburgh, his servant, as follows:—In November last, about ten o'clock at night, Johnne Michelsoun in Pendreich came to Perk's house, violently entered therein, and with drawn whinger assaulted complainers to the peril of their lives; farther, in December last, Adam Stratoun, smith in Pendreich, fiercely set upon Roisburgh with "ane grite gride of irne," to the effusion of his blood; moreover, on 13th instant, Hew Purdie in Pendreich attacked Perk behind his back and with "ane grite trie" felled him.—Pursuers appearing personally, and Michelsoun and Purdy being also present, the Lords find the complaint clearly proved against defenders, and therefore ordain the two present to be committed to ward

1609. –July.) 577. in the tolbooth of Edinburgh, and Stratoun to be commanded to enter in the same ward within six days after the charge, under pain of rebellion.

missions, 31, a. Thomas Kennedy, called of Bargany, traitor and fugitive, having returned within this kingdom and being resetted among his friends, commission passed under the signet is given to James Kennedy of Culzeane for the apprehension of the said Thomas. Commission to apprehend Thomas Kennedy, traitor.

1609. –July.) 577. *Sederunt*—Craufurd; Caithnes; Cassillis; Orknay; Bishop of Ros; Gray; Torphechin; Blantyre; Halyruidhouse; Burley; Edzell; Quhittinghame; Privy Seal; Advocate; Collector; Mr Petir Rollok; Foistersait; Polwart; Sir Alexander Drummond; Logy; Sir Johnne Arnot. Edinburgh, 30th May.

Sir Johnne Murray of Blakbarony appears, for himself and for his son Sir Archibald Murray, and gives in a copy of the letters raised by Robert Yousting in Mirrielawis, as father, with the other kin and friends, of the late Patrik Yousting, servitor to said Sir Johne, charging them to enter before the Council William Drysdaill, servitor to said Sir Archibald, that he may be tried by the justice for the slaughter of said Patrik. The said Robert not appearing, Sir Johnne protests that he and his said son shall not be held to answer farther till again warned; and the Lords admit the protest. Protest in favour of Murray of Blackbarony.

unts, 1, b. A rehabilitation expede to the Laird of Nudrie, *salvo jure cujuslibet*. Wauchop of Niddry.

1609. July.) 578. *Sederunt*—Chancellor; Craufurd; Mar; Cassillis; Wynton; Lotheane; Bishop of Ros; Bishop of Orknay; Bishop of Brechin; Gray; Lovat; Elphinstoun; Torphechin; Blantyre; Halyruidhouse; Bewlie, comptroller; Burley; Master of Elphinstoun; Quhittinghame; Privy Seal; Mr Petir Rollok; Sir Lues Craig; Foistersait; Sir Alexander Drummond; Polwart; Preistfeild; Sir Johne Arnot. Edinburgh, 1st June.

Complaint by James Dumbar, messenger, as follows:—Complainer having executed criminal letters, at the instance of the bairns of late James Torrie in Boghauch, against Alexander Tulloch, apparent of Tannacheis, charging him to appear before the justice in the tolbooth of Edinburgh on 9th November instant (*sic*), to answer for the slaughter of said James, and of Agnes Douglas, his spouse, Alexander Dumbar of Westfeild, sheriff of Murray, said Alexander Tulloch, and Alexander Dumbar of Lochichillis, accompanied by Alexander Cruickschank, servitor to Mr Thomas Dumbar, dean of Murray, Johnne Dumbar, brother of said sheriff, Alexander Stewart and James Dumbar, his servitors, came on 7th October last to the house of Patrik Dumbar of Golffurd, where complainer was for the time, and took him as captive to the town of Forres, urging him to deliver the said letters. Upon his refusal the said sheriff "causit commit him to waird in the moist vyld presone and hoill that wes in the John Dunbar, messenger, against Alexander Tulloch and Alexander Dumbar for violence and oppression.

castell of Forres," and detained him there ten days, suffering no one to have access to him. At the end of the ten days they sent to him James Barclay, messenger, and Chairlis Reid, requesting him to deliver the said letters without farther delay, under pain of being slain in the prison where he lay. On his telling them upon his great oath that he had not the letters to deliver, they compelled him for fear of his life to give Tulloch a band, in his own name, and in that of Alexander Dumbar, his brother, admitting that he had borrowed from Tulloch 500 merks and obliging him to repay the same by 1st April next,—they giving their verbal promise that, if he delivered to Tulloch the said letters, then Tulloch would re-deliver to him the said band. They also compelled him to give them another band, to the effect that he would not pursue them for this "grite insolence" committed against him, under pain of £500. Shortly afterwards, forgathering with him in the town of Forres, they put violent hands on him and compelled him to "ryve in peiceis in thair awne presence" the said letters.—Charge had been given to Alexander Tulloch and Dumbar of Lochiehillis to answer; and now, pursuer appearing personally, defenders are to be denounced for non-appearance. Acta 1609. (Jan.–July.) Page 579. Page 580.

John Hamilton and William Young against John Mure and Archibald Hamilton for resetting certain proclaimed rebels.

Complaint by Johnne Hammiltoun in Hallis and William Young in Peilhill, as follows:—James Hammiltoun of Evindaill, Hew Hammiltoun, his uncle, and William Hammiltoun, his page, having been denounced rebels at the complainers' instance for reiving furth of the lands of Glengavill 40 kye and 40 sheep, and "nychtlie lying about thair houssis for thair lyveis," proclamation had been made discharging all and sundry from resetting the said rebels. Yet Johnne Mure, elder of Plewland, and Archibald Hammiltoun of Hallis, regularly reset and intercommune with the said rebels.—Young appearing personally and defenders being also present, Young passes from the pursuit of Mure and refers the libel to Hammiltoun's oath of verity; and, Hammiltoun having sworn his innocence, the Lords assoilzie him. Page 581.

Decree against Murray of Cockpool for debt.

Action by Elizabeth Stewart, Lady Newbie, relict of Johnne Johnnstoun of Newby, and by Mr Samuell Kirkpatrik, now her spouse, for his interest, against Sir James Murray of Cokpule for remaining unrelaxed from a horning of 15th April last for not paying them 3000 merks as principal, 300 merks of expenses, and 40s. paid to the Lords' collectors.—Kirkpatrik appearing personally, defender is to be apprehended for non-appearance. Page 582.

Decree against Sir Harry and Sir John Lindsay for debt.

Action by Johne, Lord Lindsay of the Byris, against Sir Hary Lindsay of Carrestoun and Sir Johnne Lindsay of Kinfawnis for remaining unrelaxed from a horning of 13th July last for not paying to complainer 10,000 merks.—Complainer appearing by Patrik Lindsay, defenders are to be apprehended for non-appearance. Page 583.

Decrees against Alexander Gairdner and others for debt.

Action by Waltir Lundy, son of George Lundie of Gorthie, against Alexander Gairdner in Newtoun of Huntingtour, and Robert Grant, merchant, burgess of Perth, for remaining unrelaxed from a horning of 16th February last for not paying to complainer 200 merks as principal and

a 1609. n.–July.)

40 merks of expenses. Also, action against Mr James Ros, minister of Forteviot, and Adam Hepburne of Polkmylne, for remaining unrelaxed from a horning of 24th April last for not paying complainer 600 merks as principal and £50 of expenses.—Pursuer appearing by Archibald Douglas, defenders are to be apprehended for non-appearance.

e 584.

Decree against George Bryce for debt.

Action by Johne Stewart, burgess of Perth, against George Bruce, younger, in Airth, for remaining unrelaxed from a horning of 6th May last for not paying to complainer, as assignee to Daniell Brice in Airth, £240 as principal, £10 for expenses, and 40s. paid to the Lords' collectors. —Pursuer appearing by Archibald Douglas, decree against defender as in last Act.

e 585.

Decree against Andrew Gray and Patrick Scott for debt.

Action by James Monorgine of that Ilk, and William Gray of Bandirrane, sheriff depute of Forfershire, against Patrik Scot, son and apparent heir of Alexander Scot in Bardmoney, for remaining unrelaxed from a horning of 15th September 1604 for not paying complainer 1200 merks as principal, £40 of expenses, and £10 for each charge in default of payment of the said principal. Action also against Andro Gray, son of Andro Gray of Dynnenald, for remaining unrelaxed from a horning of 2nd June last for not relieving complainers at the hands of Mr David Kinloch, doctor of medicine, of the payment to him of £300.—Pursuers appearing by Archibald Douglas, decree against defenders as in last Act.

e 586.

Decree against Blair of Walton and others for debt.

Action by David Lindsay, brother of Patrik Lindsay of Kirkforther, and Aliesoun Lindsay, his spouse, against William Blair of Waltoun, as principal, and Johnne Boner in Kirktoun and Andro Fairny in Pitlessie, as sureties, for remaining unrelaxed from hornings of 18th March and 13th May last for not paying complainers 300 merks and the unpaid annuals thereof, with expenses ; also against said Blair for not paying to complainers £100 specified in a band made to them.—Decree against defenders as in last Act.

e 587.

Wauchope of Niddry rehabilitated.

Mr James Sandielandis, advocate, appears as procurator for Sir James Sandielandis of Slammannanemure, and consents to the expeding of the rehabilitation granted to Sir Frances Wauchop of Nudrie Mershaill in all the clauses specified therein, especially in the rescinding and annulling of all charters and instruments of seisin made to said Sir James of the lands of Nudrie Mershaell, Pilmour, and Houstoun.—See *ante*, p. 289; and connect letters of Council to the King of dates 3rd and 4th April last, and King's letter to Council of 28th April.

missions, 31, b.

Commission to apprehend John Innes and certain other rebels.

As Johnne Innes of Elrig, George Hay, son of William Hay of Cremond-Mowgat, Johnn Wobster, his servant, and Ker, servitor to the said George Hay, remain unrelaxed from a horning of 18th January last, raised by Johnne Keith of Northfeild, as father, and William, Mr George, Patrik, Gilbert, and Frances Keithis, as brothers, of the late James Keith of Crethie, for not finding caution to answer before the justice for the slaughter of the said James, commission, passed under the signet, and signed by the Chancellor, Crawfurd, Mar, Cassillis, Wintoun, and Halieruidhouse, is given to the sheriffs of Kincairdin, Aberdine,

Banff, Elgin, and Forres, the provosts and bailies within the said shires, and Robert Keyth of Auldmad, for the apprehension of the said rebels. Commissions.

Licence to Mr Robert Aytoun to go abroad for three years.

Licence, signed by the Chancellor, Craford, Mar, Cassillis, Wyntoun, and Halyruidhouse, to Mr Robert Aytoun of Inchedarnye to go abroad for three years "for doing of his lesum effairis and busynes," on condition that during his absence he shall do nothing in hurt of this realm or of the religion professed within the same. Fol. 32, b.

Crawford and Edzell.

Charges to the Earl of Crawfurde and Laird of Edzell to compear before the Council on 15th instant in the matter of the Earl's commission. Sederunts, Fol. 82, a.

Earl of Wigtown.

Missive to be written to the Earl of Wigtoun approving of his proceedings in the reconciling of the Earl of Glencairne and Lord Semple.—See the letter of this date among the *Royal and Other Letters*.

Edinburgh, 6th June.

Sederunt—Chancellor; Dumbar; Craufurd; Mar; Mortoun; Cassillis; Wyntoun; Home; Abircorne; Lowthiane; Kinghorne; Elphinstoun; Bishop of Orknay; Bishop of Ros; Gray; Lovat; Master of Elphingstoun; Torphechin; Roxburgh; Blantyre; Halyruidhouse; Burley; Pennycuke, president[1]; Comptroller; Privy Seal; Justice Clerk; Advocate; Quhittinghame; Clerk of Register; Preistfeild; Sir Lues Craig; Polwart; Mr Petir Rollok; Foistersait; Sir Alexander Drummond; Sir Johne Arnot; Sir William Hart. Acta 1609. (Jan. July.) Page 588.

Charge for renewed assurance between the Parson of Peebles and the Laird of Horsburgh.

The assurances between Mr Archibald Douglas, parson of Peblis, and Alexander Horsburgh of that Ilk, being now expired, albeit the feud between them is not yet removed, there is order to charge both parties, under pain of rebellion, to subscribe such form of assurance as shall be presented to them, to endure till 1st June 1610, and to find caution in £3000 each to keep the same inviolate.

Protest in favour of the Earl of Caithness.

George, Earl of Caithnes, appears, conform to the Act whereby Johnne, Earl of Tullibardin, became surety for him to that effect, and protests, in respect of his compearance, that he has satisfied the said Act. The Lords admit the protest.

Caution for the Earl of Caithness.

James, Earl of Abircorne, appears, and becomes surety in £20,000 for George, Earl of Caithnes, that he shall keep ward in Edinburgh till relieved by the Council, and in the meantime shall not invade Patrik, Earl of Orknay. Page 589.

Caution for the Earl of Orkney.

David, Earl of Craufurd, appears, and becomes surety in £20,000 for Patrik, Earl of Orknay, that he shall keep ward in Edinburgh and the Cannogait till relieved by the Council, and in the meantime shall keep the peace, and not invade George, Earl of Caithnes.[2]

[1] This is the first mention in the Register of the new appointment to the office of Lord President of the College of Justice, which had been left vacant, together with the Secretaryship of State, by the conviction and degradation of Lord Balmerino. The person appointed was the Councillor hitherto known to us as Sir John Preston of Fentonbarns or Pennicuik. His appointment to the Presidency by the Lords of Session took place this very day, 6th June 1609.

[2] With this and the last entry connect Letter of Council to the King, of date 27th May last, given among *Royal and Other Letters;* and, for antecedents of the two Earls (Patrick Stewart, Earl of Orkney, and

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Supplication presented to the Council by Patrik, Earl of Orknay, as follows:—Although warrant had been granted by the Council to the said Earl that he should not be warded or troubled by virtue of any horning or caption raised against him till 20th July next, to the effect he might meanwhile repair to Edinburgh and other places for relieving himself of such hornings and of the sinister reports made of him to the Council, yet his adversaries, "who seikis nothing bot his trouble and disquiet," are charging his cautioners to "waird," and "ar moir eirnist in distressing of thame now sen his heircomeing nor thay wer in his absence." This is because they are "thinking to get executioun aganis thame" before the Earl can get remedy at law, they knowing well that the Earl can easily reduce their hornings against him, which had been given for null defence upon unlawful citation at the market cross of Edinburgh only.—Charge had been given to Laurence Bruce of Cultmalindie and Robert Menteith of Eglisha to answer; and now, both parties appearing, and their reasons and allegations having been heard and considered, the Lords discharge all ministers of the law, the captain of the guard, and other officers, from apprehending or warding Thomas Levingstoun of Pantone or any other of the Earl's cautioners till 20th July next.

The warrant granted to the Earl of Orkney against caption before 20th July next confirmed.

ge 590.

ge 591.

Complaint by Robert Oliphant, brother of George Oliphant of Bachiltoun, that David Lindsay, keeper of the tolbooth of Edinburgh, has allowed Captain Patrik Hering to go furth thereof, although the said Captain has made no payment to complainer of the sums of money and goods specified in the inventory thereof taken by the mayor depute of Canterbury (*ante*, p. 283).—Pursuer appearing personally, and Lindsay by Andro Quhyte, his servant, who declares that the liberty granted to the Captain proceeded from a warrant given by James Aikenheid, bailie, the Lords find that the said bailie has done wrong in this matter, and therefore ordain Lindsay to keep the Captain in sure ward till he get the Council's warrant to the contrary.

Robert Oliphant against David Lindsay, keeper of the tolbooth of Edinburgh, for allowing Captain Hering to go furth thereof.

ge 592.

mmissions. l. 32, a.

Andro Lamb in Leith appears before the Council and becomes cautioner in 500 merks for Mr David Williamsoun, minister at Inneraritie in Angus, that he shall not harm or trouble Mr James Fodringhame, father-brother of Fothringhame of Pourie, or his men or servants.

Edinburgh, 7th June 1609. Caution for Mr David Williamson.

ta 1609. an.–July.) ge 592.

Sederunt—Chancellor; Dumbar; Craufurd; Mar; Mortoun; Cassillis; Wyntoun; Home; Kinghorne; Lowthiane; Bishop of Ros; Bishop of Galloway; Saltoun; Gray; Lovat; Elphinstoun; Torphechin; Roxburgh; Blantyre; Halyruidhous; Mr Johne Prestoun, president; Comptroller; Privy Seal; Justice Clerk; Advocate; Collector; Edzell; Quhittinghame; Bruntiland; Kilsyth; Polwart; Mr Petir Rollok; Sir Alexander Drummond; Sir Lues Craig; Foistersait; Sir Johne Arnot.[1]

Edinburgh, 8th June.

George Sinclair, Earl of Caithness) see this and previous volumes of the Register by Indexes.

[1] In the corresponding list in the *Book of Sederunts* (Fol. 82, b) the Master of Elphinstoun appears among the Councillors.

Ending of the quarrel between the Earl of Orkney and the Earl of Caithness.

George, Earl of Caithnes, Patrik, Earl of Orknay, and Thomas Ramsay, servant to the latter, appearing before the Council, and the Council being ready to hear their complaints *hinc inde*, both parties confess that "upoun sinister informatioun thay had reasit thair complaintis and gone too far thairintill," declare that they are fully reconciled, and in token thereof have "most hartelie imbracit" one another, and "choppit handis" with every show of "hairtlie love, kyndnes, and freindschip."—See *ante*, 292; and connect Council's letter to the King, of this date, given among *Royal and Other Letters*. Acta 1609. (Jan.–July.)

James Glendoning against Alexander Gordon for wearing fire-arms.

Complaint by the King's Advocate and by James Glendoning of Mochrum, as follows:—In January last, Alexander Gordoun of Hillis came from his own house of Pennynghame to the place of Kenmure, thence to the town of Biggair, and thence to the burgh of Edinburgh, having had all the way a "pair of pistolletis about him"; on 17th April last he rode up and down the sands of Glenluce similarly armed; on 18th April in the Abbey of Glenluce, and on 19th April in the town of Wigtoun, he carried pistolets; and on 24th April he came out of the place of Pennynghame with a pistolet at his belt, of purpose to shoot it at a friend of Glendoning. —Both parties appearing, the Lords assoilzie the defender, because he has sworn his innocence of the said charges. Page 593. Page 594.

Decree against Lundy of Balgony for debt.

Action by Johnne Aytoun, brother of the late George Aytoun of Inchedarny, against Robert Lundy of Balgony for remaining at a horning of 11th January last for not paying complainer 800 merks as principal, with the annuals thereof due since the date of the contract passed between them, viz. 21st August 1606, and 100 merks of expenses.—Pursuer appearing personally, defender is to be apprehended for non-appearance. Page 595.

Decree against John Robertson for debt.

Action by James Nicolsoun, younger, tailor, son of James Nicolsoun, tailor, burgess of Edinburgh, against Johnne Robertsoun of the Schenis, burgess of Edinburgh, for remaining unrelaxed from a horning of 9th May last for not paying complainer £150 as principal and £30 of expenses. —Pursuer appearing by Archibald Douglas, decree as in last Act against defender for non-appearance. Page 596.

Decree against Lovel of Balumby for debt.

Action by Margaret Cuik, daughter of the late Jeane Layng, relict of Patrik Cuik, tailor, burgess of Edinburgh, against William Lovell of Ballumbie for remaining unrelaxed from a horning of 8th August last for not paying complainer £114, 2s. as principal and £40 of expenses.—Pursuer appearing by James Spence, decree against defender as in last Act. Page 597.

Decree against Lindsay of Vayne for debt.

Action by George Symmer of Balyeordie against David Lindsay, elder of Vane, and David Lindsay, younger of Vane, for remaining unrelaxed from a horning of 21st December last for not relieving complainer at the hands of George Gairdin of Lawtoun of the payment of 3440 merks and £400 of expenses.—Pursuer appearing by Archibald Douglas, decree against Lindsay, elder (alone cited), as in last act. Page 598.

Jean Glendoning against William

Complaint by the King's Advocate, and by William Gordoun, now of Murefad, and Jeane Glendoning, his mother and tutrix testamentary,

ta 1609. n.–July.)

that, in October last, William Gordoun, brother of Alexander Gordoun of Auchleane, with his accomplices, all armed, came to the lands of Pennynghame, belonging to the said William Gordoun, where his said mother was "streiking ane pleuch upoun the saidis landis," and there "with swordis and aixis cutit the said pleuch graith and haill ornamentis of the same," violently reft the irons thereof and made "horse shone" of the same, discharged a number of hagbuts and pistolets at said Jeane and her servants, chased them off the lands, possessed themselves therein, and debarred complainers from occupying these lands.—The King's Advocate and Jeane Glendoning appearing, defender is to be denounced for non-appearance.

Gordon for oppression.

ge 599.

Complaint by Patrik Hepburne of Smetoun, and George Aikman, his servant, that, on 1st instant, Oswald Dalgleische, brother of Johnne Dalgleische of Dewchair, with his accomplices, came to Hepburne's lands of Willinshoip lying in the shire of Peblis, and reft threescore milk ewes and fourscore lambs, with twelve hogs, belonging to him, and pursued Aikman for his life with a "grite kent."—Pursuers appearing personally, defender is to be denounced for non-appearance.

Patrick Hepburne and George Aikman against Oswald Dalgleish for reif and violence.

ge 600.

Complaint by Sir Thomas Hammiltoun of Bynnie, for his Majesty's interest, and by Mr William Maxwell of Cavens, and Edward Edzer, merchant, burgess of Edinburgh, as follows:—On 1st April last, Maxwell and Edzer, being in the burgh of Kirkcudbright on business, and having forgathered on the streets thereof with William M°Clellane, brother of Sir Robert M°Clellane of Bombie, provost of the burgh, Thomas and William M°Clellanes, sons of Johnne M°Clellane of Overlaw, William M°Clellane, page to the Laird of Bombie, and Harbert M°Clellane of Gregorie, were by these persons very heartily welcomed to the town. But the Laird of Bombie and his friends and servants, having conceived deadly hatred against the complainers, had all the while, under the pretext of their "cullourit freindschip," made them "unsensible of the grudge" which the said persons bore to them; and so the said sons of the Laird of Overlaw, MacClellane of Gregorie, Johnne M°Clellane, his brother, the page, Gawin M°Clellane and Johnne Gannachane, servants to the Laird of Bombie, all armed with weapons and fire-arms, fiercely set upon complainers at the Cross of the burgh, and wounded them in divers parts of their bodies. The Laird of Bomby himself, having been informed that the two parties were "yockit," had come running to where the complainers were, carrying a drawn sword in one hand and a bended pistolet in the other, and accompanied by William M°Clellane of Culkegrie, Johnne M°Clellane, gardener to the Laird of Bomby, Patrik M°Clellane in Cammiltoun, Johnne Ker, servitor to the Laird of Bomby, Richard Carsane and Stephane Lig, cordiners in Kirkcudbricht, Thomas M°Clellane of Balmae, Johnne Mure, servitor to William M°Clellane, brother of the Laird of Bomby, James M°Clellane in Druumoir, Johne, Andro, and George M°Clellanes, his sons, with others, all armed. Pursuing defenders for their lives, the said Laird of Bombie almost "strook the richt airme" from

Maxwell of Cavens and Edward Edgar against Maclellan of Bombie, provost of Kirkcudbright, and others, for violence done to them in the said burgh.

age 601.

Page 602.

Maxwell, and wounded Edzer in two parts of his body. They then took Maxwell captive to the Laird of Bomby's house, detained him the space of , and, having "housit the said Edward Edzer within the dwelling house of Kirkpatrik, indweller in the said burgh," besieged him therein a long while, the said page attempting to shoot him with a pistolet "in at a window of the said house." At last with forehammers they broke up the doors of the said house, apprehended Edzer, and took him and Maxwell with them to their tolbooth, where they compelled them to find caution not to trouble the said town.—The pursuers appearing personally, and the said Laird of Bombie, William M°Clellane, son of Laird of Overla, Harbert M'Clellane of Gregorie, Johnne M'Clellane, his brother, Thomas M'Clellane of Balma, James M'Clellane in Drummoir, Patrick M'Clellane in Cammeltoun, Johne, Andro, and George M'Clellanes, his sons, Johne Gunnoquhen, Johnne M'Kessok, and Johnne Carlile, being also present, and the other defenders having failed to appear, the Lords find the complaint clearly proved against Sir Robert M'Clellane, Gawin M°Clellane, Thomas M'Clellane, son of Laird of Overlaw, and William M°Clellane, called the Page. Accordingly, the Laird of Bombie is ordered to be committed to ward in Blaknes, and is delivered to Sir Robert Hepburne, lieutenant of the Guard, to be carried to said ward; while the other defenders found guilty of the libel are ordered into ward in the tolbooth of Edinburgh. The Lords assoilzie the remaining defenders.

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Page 603.

Page 604.

Decree against Michael Scott for debt.

Action by James Robesoun, son and heir of the late Andro Robesoun, portioner of Auchtermuchtie, and Annas Balfour, his spouse, against Michaell Scot, portioner of Auchtermuchtie, for remaining unrelaxed from a horning of 16th May last for not paying complainers an annualrent of 100 merks and 20 bolls victual, or else £10 for each boll for all years since 1604, as principal, and £20 of expenses for each term of arrears.—Pursuer appearing personally, defender, for non-appearance, is to be apprehended.

Page 605.

Decree against William Stanhope for debt.

Action by Patrik Carkettle of Over Libbertoun against William Stenhoip in Easter Dudingstoun for remaining unrelaxed from a horning of 13th May last for not paying complainer, as assignee to Mr Waltir Bellindane, son of late Sir Johnne Bellindane of Auchnull, 1000 merks as principal and £100 for expenses.—Pursuer appearing by Robert Murray, decree as in last act against defender.

Page 606.

Decree for debt, &c., against a number of persons, at the instance of Sir John Vaus and others.

Action by Sir Johnne Vaus of Longcastell, patron of the kirks and benefices of Wigtoun, Kirkynner, and Kirkcowane, and by Mr James Brysoun and Mr Mathew Reid, ministers and parsons of the said kirks, against the following for remaining unrelaxed from the hornings underspecified:—(1) Johnne Cavene in Mylnetoun, Alexander Kennedy there, Johnne Tailfeir in Skellarie, Johnne Michelsoun, younger, there, Chairlis Dune in Stewartoun, James MakCulloch in Balferne, Michaell M°Clellane in Bogcroft, William M°Clellane in Abrek, Niniane Wallace there, Michaell M°Dowell there, Margaret M°Clellane, relict of Alexander Gordoun of Kirkland, Johnne Tailfeir in Knokincur, Patrik M°Kie of Baryarrak, Symone M°Crystene of Monkhill, Michaell M°Kie of Kere-

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vennie, Johnne M°Kie of Torhouse, Meg Jonet M°Clellane there, Johnne Hanna in Vennell, burgess of Wigtoun, William Turner there, Alexander M°Gymsie there, Thomas M°Mur, Margaret M°Crakane, relict of Mr William M°Gowne, burgess there, William Stewart, burgess there, Malcome M°Kie in Kirkland, Johnne M°Kie, his brother, there, Alexander Agnew in Barvennane, Johnne Wylie in Crochrie, Roger Gordoun there, Anthone Stewart in Lochrago, Agnes M°Culloch, relict of James M°Culloch in Clugistoun, Thomas Aikinyeane in Schennantoun, Johnne

age 607. Stewart in Crochrie, Elspeth Tempiltoun there, Johnne M°Kie in Barquhill, Robert Gordoun of Barnerine, and Patrik M°Dowell of Machrimoir, all denounced rebels on 3rd August 1607 for not paying complainers, for their relief of the first term's payment of the taxation granted to his Majesty in July 1606, their shares of the said taxation imposed on the vicarage teinds of the said kirks; (2) Petir M°Dowell of Machrymoir, Robert Gordoun of Barnerine, Patrik M°Kie of Baryarrak, Anthone Stewart, Roger Gordoun, Johnne Tailfeir, Margaret M°Clellane, Johnne M°Crun in Kirkynner, Johnne Cavene there, William Ker, elder, there, William Ker, younger, there, Niniane Gulane there, Alexander M°Clellane there, Johnne M°Kie in Barquhill, Michaell M°Clellane, Alexander Baillie, Symone M°Crystene of Monkhill, Patrik Hanna, apparent of Kirkdaill, William M°Kie, Johnne M°Kie, his brother, Michaell M°Kie, and Alexander Mure of Coitland, all denounced on 16th January last for not paying to complainers the tax imposed on the vicarage teinds of the said kirks, and that for said complainers' relief of the second term's payment of the said taxation; (3) Petir M°Dowell of Machrymoir, Johnne M°Kie, Anthone Stewart, Roger Gordoun in Mondork, Agnes M°Culloch, and Patrik M°Kie of Baryarrak, denounced on the same 16th January last for not paying to Sir Johnne Vaus of Longcastell for the year 1607 the teind silver of their lands lying in the parishes of Kirkynner and Kirkcowane; (4) Roger Gordoun in Crochrie, William Dumbar, younger of Culmalyo, Petir M°Dowell, fiar of Macrymoir, Johnne M°Kie of Drumbowye, and

age 608. Patrik M°Kay, younger of Baryarrak, denounced on 3rd August 1607 for not paying to said Sir Johnne Vaus the sums of money specified in the letters of horning for the teinds of the lands occupied by them; (5) Robert Gordoun of Barnerine, Alexander Baillie, Johnne Giffert in Baringorth, Richard M°Harge in Little Kenmour, Thomas Aikinyeane, Anthone Stewart, Johnne Wylie, and Roger Gordoun, all denounced on the same 3rd of August for not paying to said Sir Johnne Vaus the sums of money specified in the letters of horning; (6) James Kennedy of Crugiltoun, denounced on 23rd January last for not fulfilling to said Sir Johnne the contract between them of date 18th January 1606.—Sir Johnne Vaus

age 609. appearing for himself and the other pursuers, the defenders, for not

age 610. appearing, are ordered to be apprehended by the Captain of the Guard.

Complaint by the King's Advocate for his Majesty's interest, and by David Ogilbie of Over Kynnatie, Jonet Skrymgeour, his spouse, Helene Gardin and Cristiane Glendy, their servants, and William Dick, their

David Ogilvy and others against Andrew Whitton and

others for violence and oppression.

tenant, as follows:—On 13th April last, William Man in Auchterhous, William and Patrik Lyonis, sons of Issobell Clerk in Nether Kynnatie, Johnne Scheill there, Johnne Neische there, Richard Cant at the mill of Kynnatie, Andro Lamb in Torphachie, Andro Quhittoun in Liach, Thomas Thomesoun in Bonytoun of Auchterhouse, said Issobell Clerk, Alexander Foster at the mill of Kynnatie, James Black there, George Adam in Achinles, George Croill in Cossokis, Alexander Adam there, William Mylne in Bent, James Cant, son of said Richard, and Thomas Persoun in Torphachie, with convocation of the lieges, all armed with swords, gauntlets, platesleeves, halberts, forks, and long staves, and with hagbuts and pistolets, came to part of said David's lands of Over Kynnatie, possessed by him and his predecessors past memory of man, and sown by him with corns six weeks before, and "preist" to sow the said lands over again (the corns formerly sown being now "breird"). His said spouse and two servant women, having interrupted the defenders, were attacked by them with "grite stingis" and left for dead. Complainer then returning home and inquiring of defenders what the matter meant, they pursued him for his life and would have slain him if he had not escaped. Again, upon 7th May last, being Sunday, said William and Patrik Lyonis and Andro Lamb, armed with hagbuts and pistolets, came by way of hamesucken to complainer's house of Kynnatie, and lay in wait for him of purpose to shoot him with a long hagbut, and at last passed to the said William Dyk's house, broke up the doors, entered with bended pistolets and drawn swords in their hands, and would have slain him if he had not escaped.—Charge had been given to defenders, except Issobell Clerk and James Cant, to answer; and now, the King's Advocate and said David Ogilbie appearing for pursuers, and all the defenders except Foster being also present, the Lords find Andro Lamb guilty of wearing pistolets on 7th May last, and therefore order him into ward in the tolbooth of Edinburgh, but assoilzie all the other defenders.

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Commission to apprehend George Leslie of Auldcraig.

George Leslie of Auldcraige being not only fugitive from the laws for the slaughter of Mr George Leyth, son of Johnne Leyth of Harthill, but also one of that "most unlauchfull, rebellious, and detestable societie and fellowschip callit the Knychtis of the Morter or Societie of the Boyis," commission, passed under the signet and signed by the Chancellor, is given to Patrik Grant of Carrone for his apprehension.

Commissions, Fol. 33, a.

Edinburgh, 13th June.

Sederunt—Chancellor; Dumbar; Craufurd; Mar; Caithnes; Cassillis; Wyntoun; Home; Perth; Wigtoun; Kinghorne; Lowthiane; Saltoun; Gray; Bishop of Saint Androis; Bishop of Glasgow; Bishop of Dunkeld; Bishop of Abirdene; Bishop of Ros; Bishop of Orknay; Bishop of Brechin; Bishop of Caithnes; Bishop of Murray; Bishop of the Isles; Bishop of Ergyle; Lovat; Uchiltrie; Elphinstoun; Roxburgh; Scone; Blantyre; Halyruidhous; Burlie; Master of Elphinstoun; President; Comptroller; Privy

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Acta 1609. (Jan.-July.)

Seal; Justice Clerk; Tungland; Medop; Foistersait; McKanzie; Kilsyth; Mr Petir Rollok; Sir Johnne Arnot; Sir William Hairt.

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Understanding that the assurances between David, Earl of Craufurd, and Sir David Lindsay of Edzell, are now almost expired, albeit the variance between them yet remains, the Lords ordain both parties to be charged to subscribe, within six days after the charge, under pain of rebellion, such new assurances as shall be presented to them, to endure till 1st July 1610, and to find caution to keep the same inviolate. Charge for renewed assurance between the Earl of Crawford and Lindsay of Edzell.

Sir Johnne Arnot, provost of Edinburgh, represents to the Lords of Secret Council that, as Bessie Turnble, daughter of William Turnble of Airdrie, remains yet in his house conform to their act (*ante*, p. 282), and as now "it hes pleasit God to visite his wyf with a havie disease and seiknes, and be the frequent resorte of people to the said Bessie, pairtlie be hir awne freindis and pairtlie of Robert Naperis freindis, the said Sir Johnnes house is troublit and his wyf verie fer disquieted now in hir seiknes," he desires to be relieved of the keeping of the said Bessie.— Charge had been given to Willian Turnbull and Robert Naper to answer; and, both parties appearing, the Lords relieve Sir Johnne of the keeping of Bessie, and, with consent of both parties, ordain her to be "sequestrat" in the house of Mr Johnne Prestoun of Pennycuke, president of the college of justice, on the same conditions as were imposed on Arnot. Act relieving Sir John Arnot, provost of Edinburgh, of the custody of Bessie Turnbull.

Page 614.

As the high court of Parliament is to begin in the burgh of Edinburgh on 15th instant "for certane weichtie effairis concerning the glorie of God, advancement of his trew religioun, and the commoun wele of this realme," and as, with all disposition to decent and reverent behaviour at such times on the part of dutiful subjects, "suche publict and frequent meitingis doeth nevir want personis of wicked and distemperit humouris quho ar reddy upoun everie licht occasioun to mak commotioun and trouble, and be thair folyis to draw noblemen and utheris in several factionis and opinionis," therefore the Lords of Secret Council ordain all noblemen and others already come or who shall come to the said Parliament to take special care that their attendants are men of a "modest and peciable behaviour," and, if there are quarrelsome persons in their company, that they send them home immediately. Proclamation hereof to be made at the market cross of Edinburgh, with charge to all and sundry to keep the peace inviolate during the time of Parliament, under pain of death. The provost and bailies of Edinburgh and the bailies of the Cannogait are to apprehend persons causing trouble, commit them to strait ward, and keep them there till they are presented to justice. Proclamation for keeping the peace during the sitting of Parliament.

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Sederunts, Fol. 83, a.

The Parliament is ordained to ride on Saturday. Parliament.

The Earls of Orknay and Caithnes are ordained to find caution, each of them in 10,000 merks, for the free and peaceable passage of his Majesty's subjects within their respective bounds. Orkney and Caithness.

Fol. 83, b.

Commission to the Archbishops of St Androis and Glasgow, the Bishop of Orknay, the Earls of Wigtoun and Kinghorne, the Lords Blantyr and Commission to report on the

complaints against the Earl of Orkney.

Burley, the Laird of Kilsyth, and Sir Alexander Drummond, to hear the complaints given in against the Earl of Orknay, to receive witnesses therein, and to report to the Council thereanent. Acta 1609. (Jan.–July.)

Charge to Sir Robert Maxwell and William Johnstone, and to the magistrates of Dumfries.

Charge to be directed to Sir Robert Maxwell of Spottis, and William Johnnstoun, called of Locarbie, to appear before the Council on 19th instant, to answer touching the circumstances of the murder of Sir James Johnnstoun of Dunskellie, committed by Johnne, Lord Maxwell, in the month of 1608, under pain of rebellion. Charge likewise to the provost and bailies of Drumfreis to enter on said day Cuthbert Bretoun in Drumfreis, to answer touching the "ryot" committed in said burgh against Sir William Cranstoun in the month of 1608. Page 615. Page 616.

Act in favour of James Anderson, enrolling him as one of the Scottish adventurers for the Plantation of Ulster.

"The quhilk day in presence of the Lordis of Secrite Counsale compeirit personalie James Andirsoun, portionair of Litle Govane, and maid humble sute unto the saidis Lordis that he mycht be ressaved and inrolled as one of undirtakeris in the intendit plantatioun and distributioun of the foirfeyted and escheted landis of the Province of Ulster for ane thowsand aikeris of the said land, upoun suirtie and band to be gevin be him for his performance and fulfilling of the haill articlis and conditionis set doun be the King his most excellent Majestie and appointed to be performed on the behalf of the saidis undirtakeris. The saidis Lordis haveing hard and considerit of the said James his propositioun and sute in this mater, thay have ressaved and inrolled him amangis the saidis undirtakeris; and thairfore the said James, as principall, and Johnne Allesoun in Carsbrig, as cautionair and suirtie for him, compeirand boith personalie before the saidis Lordis, actit, band, and obleist thame conjunctlie and severalie that the said James sall performe and fulfill the haill articlis and conditionis appointed to be performed be the saidis undirtakeris, according to thair severall distinctionis of building, planting, residence, alienatioun, and making of estaitis to thair tennentis, undir the pane of twa hundreth pundis sterling money."[1]

Act in favour of the Earl of Caithness.

In respect the Earl of Caithnes and the Earl of Orknay are agreed (*ante*, p. 294), the Lords discharge the Act whereby James, Earl of Abircorne, became surety for the Earl of Caithnes, that he would remain in the burgh of Edinburgh till relieved by the said Lords, under pain of £20,000 (*ante*, p. 292). Page 617.

[1] So far as appears from the Register of Council, this James Anderson, "portioner of Little Govan," was the first Scotsman that availed himself of the chance of being one of the adventurers for the new Plantation of the forfeited lands in Ulster (see *ante*, p. 267–8 and footnote). The following account from Hallam (*Constitutional History*, tenth edit. iii. 380–381) of the general scheme of the new Plantation may be useful at this point:—"The lands were distributed in three classes, of 2000, 1500, and 1000 English acres; and in every county one-half of the assignments was to the smallest, the rest to the other two classes. Those who received 2000 acres were bound within four years to build a castle and bawn, or strong court-yard; the second class within two years to build a stone or brick house with a bawn; the third class a bawn only. The first were to plant on their lands, within three years, forty-eight able men, eighteen years old or upwards, born in England or the inland parts of Scotland; the others to do the same in proportion to their estates. All the grantees were to reside within five years, in person or by approved agents, and to keep sufficient store of arms; they were not to alienate their lands without the King's licence, nor to let them for less than twenty-one years; their

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Act in favour of the Archbishop of Glasgow for his notable services against certain notorious papists in Annandale.

"Forsamekle as the reverend father in God, Johnne, Archibishop of Glasgow, hes of lait done unto the Kingis Majestie most notable and worthie service, not onlie in the apprehending of the preist Patirsoun, and discovering the place of Mr Johnne Hammiltoun his resset, whiche gaif the occasioun of his taking, but also in going to the toun of New Abbay and thair breking up the chalmer dure of Mr Gilbert Broun, sometyme abbot thairof, and, haveing found a grite nomber of popische bookis, copis, chaliceis, pictouris, imageis, and suche uther popische trasche, he most worthelie and dewtifullie, as become both a prelat and counsellour, on a mercat day at a grite confluence of people in the hie streit of the burgh of Drumfreis, did burne all those coapis, vestmentis, and chaliceis, and delyverit to Maxwell of Kirkconnell all thoise bookis, upoun speciall promeis that he sould mak thame forthcomeand: in consideratioun of whiche service, quhairof the Kingis Majestie doeth tak speciall notice, and for encurageing boith the said Archibishop and utheris to do the lyke heirefter, the Lordis of Secrite Counsall allowis and approvis the said Archibishop his whole proceidingis, alswell in the apprehending of the preist Patirsoun as in intrometting with the bookis, chaliceis, vestmentis, and in burning and distroying most pairt of thame at the mercat croce of the burgh of Drumfreis: declairing heirby that the said Archibishop, his followairis, servandis, and assistairis, to be frie of that actioun and of danger and pain of law that may result or be moved thairupoun. And, seing it is the Kingis Majesteis gratious will and pleasour to dispone unto the said Archibishop the haill bookis left be him in the handis of the said Maxwell of Kirkconnell, thairfore ordanis letters of horning upoun ane simple chairge of ten dayis to be direct aganis the said Maxwell of Kirkconnell for delivering to the said Archibishop of the haill bookis left be him in his handis."—See *ante*, p. 266; and connect with King's Letter of date 31st May 1609.[1]

tenants were to live in houses built in the English manner, and not dispersed, but in villages. The natives [such as were permitted to remain] held their lands by the same conditions, except that of building fortified houses; but they were bound to take no Irish exactions from their tenants, nor to suffer the practice of wandering with their cattle from place to place. In this manner were these escheated lands of Ulster divided among 104 English and Scots undertakers, 56 servitors, and 286 natives." Hallam goes on to explain that "this noble design" was not carried out exactly according to platform.

[1] Archbishop Spotswood of Glasgow, as we have already seen, was now the most active head of the ecclesiastical party in favour with the King, eclipsing Archbishop Gledstanes of St Andrews altogether. His present service in capturing some Roman Catholic emissaries who had long evaded pursuit, and in crushing Scottish Roman Catholicism in those Dumfriesshire haunts where it had been most inveterate and demonstrative, is not noticed by himself in his *History*, but undoubtedly marks a step in his course upwards to credit and power. The "Mr John Hamilton" mentioned in the present Act, was the uncle of Lord Advocate Hamilton; and he, and the "Mr Gilbert Broun," once Abbot of New Abbey, who is also mentioned, have long been heard of in these pages as among the most determined upholders and propagandists of the old faith that still moved about in Scotland. The third person mentioned, "Preist Patirsoun," had been recently captured "while celebrating mass in a house in the Cannongait of Edinburgh."

Edinburgh, 16th June.

Sederunt—Chancellor; Dumbar; Marschaill; Lotheane; Scone; Blantyre; Comptroller; President; Advocate; Clerk of Register. Acta 1609. (Jan.-July.)

Protest by the Earl of Glencairn in the matter of the decreet of ranking of the nobility and his precedence in Parliament.

"The quhilk day in presence of the Lordis of Secrete Counsale compeirit personalie James, Erll of Glencarne, and declairit that he, for his Majesteis obedience, and for testifeing of his humble affectioun to do his Majestie service, as his predicessouris in all tyme bigane hes done, come to this burgh to attend and await upoun this present Parliament; and, althocht in the executioun of that commissioun grantit be his sacred Majestie to certane Commissionairis for setting doun the rankis and placeis of the nobilitie of this kingdome he hes sustenit some prejudice in his dew place and rank throu not-productioun of suche evidentis and writis quhairby he wes able to verifie his precedencie before certane of the nobilitie quho ar rankit afoir him,—whilkis evidentis and writtis he declairit wer not in his handis at that tyme,—yet he wald not seame contentious at this tyme, nor do nothing whiche micht impede the peciable and quiet proceidingis of his Majesteis service in this Parliament, bot wald gif his presence and assistance thairto, and in all reverence acquiesce to the decrite and sentence of the saidis Commissionairis at this tyme allanerlie, undir protestatioun alwyse that suche evidentis and writtis quhairby he acclamed his precedencie before utheris by whoise ranking he is prejudgeit micht be red in audience of the Parliament, and protestatioun grantit unto him that his ranking at this tyme sould not be prejudiciall unto him heirefter, and that he micht have summair proces and justice before the Lordis of Counsale and Sessioun in the actioun of reductioun quhilk he hes intentit for reduceing of the decrite of the saidis Commissionairis. Whiche protestatioun the saidis Lordis admitit." Page 618.

The fleshers of the Lawn-market against the magistrates of Edinburgh for laying a new impost on the complainers in order to make them forbear their privilege of selling in the said market.

Complaint by Andro Weir, Thomas Corstoun, Johnne Carswell, William Thomesoun, Thomas Gibsoun, and Alexander Adamsoun, fleshers, for themselves and in name of the other fleshers of the "Land Flesche Mercat" of the burgh of Edinburgh, as follows:—On 13th May last, the bailies of Edinburgh, at the instance of the fleshers of the Nether Market of Edinburgh, committed pursuers to ward in their tolbooth; wherein they have detained them since, because the complainers will not become bound that they "sall not hoill nor score na skyne nor hyde undir suche sowmes as thay pleis injoyne upoun thame." Page 619. Farther, the defenders have lately raised a new impost on the fleshers of the "Land Mercat," taking 8d. for each "hoill or skoir" that they find in any of the skins which they bring to the market; and they will have them to bind themselves to take their whole skins together to the market, so that they may easily uplift this impost of them. By these "novationis" the defenders intend so to "dwang and thrall" complainers that they will be constrained to forgo their privilege of selling flesh in the "Land Mercat," and thus to bring the whole "seale of flesche to the Nether Mercat, to the foistering and intertening of derth." Complainers and their predecessors past memory of man have had full liberty of selling their flesh in the "Land Mercat"

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without question or exaction, "and it is hardlie possible to ony flescheoure who slayis flesche to keip the skynnis thairof whole without hoill or score; and, gif ony suche defect be in the skynnis, the losse is the saidis complenairis, becaus no man is subject to buy thame bot at their pleasour."—Charge had been given to Thomas Fischer and William Nesbitt, bailies of Edinburgh, and to William Thomesoun, deacon of the fleshers of Edin-

Page 620.

burgh, to answer; and now, Thomas Fisher and David Johnnstoun, bailies, appearing for the defenders and entering the complainers conform to the charge, alleging that they were warded because they would not present their skins to the market according to the custom of the burgh, the Lords ordain the defenders to release the complainers, and also to let them have the customary liberty of the market till this day eight days; to which day the Lords continue this matter.

Edinburgh, 22nd June. Band by the Earl of Glencairn and Mackenzie of Kintail for the production of MacLean of Duart.

The Lords having committed to James, Earl of Glencairne, and Kenneth M°Kanzie of Kintaill the charge of convoying Hectour M°Clayne of Dowart from the castle of Dumbertane to Edinburgh, that he may be entered before the said Lords "for ordoure to be tene with him anent the effairis of the Yllis," the said Earl and M°Kanzie become bound in £20,000 to enter the said Hectour before the Council on the first Council day after the ending of this present Parliament.

Page 621.

Edinburgh, 26th June.[1]

Sederunt—Chancellor; Dumbar; Ergyle; Marschaill; Craufurd; Mar; Mortoun; Caithnes; Glencarne; Cassillis; Wyntoun; Home; Perth; Wigtoun; Kinghorne; Tullibardin; Abircorne; Bishop of Glasgow; Bishop of Galloway; Bishop of Caithnes; Bishop of Abirdene; Bishop of Brechin; Bishop of Orknay; Bishop of the Isles; Bishop of Ergyle; Bishop of Ros; Saltoun; Uchiltrie; Gray; Lovat; Scone; Halyruidhouse; Burley; Blantyre; Master of Elphinstoun; President; Comptroller; Justice Clerk; Clerk of Register; Quhittinghame; Bruntiland; Sir Alexander Drummond; Preistfeild; Sir Lues Craig; Sir Johnne Arnot; Sir Michaell Elphinstoun; Sir William Hairt; Sir Petir Young.

The Earl Marischal exonerated as his Majesty's Commissioner in the late Parliament.

His Majesty having been pleased to make choice of George, Earl Marschell, as his Commissioner in the late Parliament held at Edinburgh, the said Earl appears before the Council and declares that, "althocht he acknowlegeit himselff unmete for suche a chairge and wes unwilling to undirtak the same, yit, for testifeing of his humble dewtie and obedience to his Majestie, he acceptit the said chairge upoun him and useit and exerceit the same according to his knawlege." And now, "seing the said Parliament hes had ane happie and gude succes, and is endit," the said Earl demits the said office, and protests that he be exonered thereof. The

[1] In the *Book of Sederunts* there is an entry "xxv Junii 1609," but no sederunt or record of proceedings under that date.

Lords, acknowledging his dutiful behaviour, relieve him of the said office, and declare that he has honourably behaved himself therein.[1] Acta 1609. (Jan.-July.)

[1] As this Act intimates, another Scottish Parliament, for which there had been careful preparations (see *ante*, p. 282 and p. 299, and letters of the Council of date 15th May among the *Royal and Other Letters*), had just concluded its sittings in Edinburgh, and left its results in the Scottish statute-book :— There had been some hesitation as to who should preside in this Parliament as his Majesty's High Commissioner in succession to the lately deceased Earl of Montrose (*ante*, p. 190, footnote). The Earl of Mar, and also the Earl of Dunbar, had been thought of; but his Majesty had at last fixed on his old acquaintance, the wealthy and highly literate George Keith, Earl Marischal, whose main historical distinctions hitherto had been (1) his Ambassadorship Extraordinary to Denmark in 1589 to be proxy for the King in his marriage with Anne of Denmark, and (2) his foundation of Marischal College, Aberdeen, in 1593. Accordingly, on the 17th of June 1609, when the Estates met in Edinburgh for the dispatch of business, Earl Marischal took his place of presidency among them by virtue of a royal commission dated at Greenwich the 6th of the same month. The Parliament had sat but two days when Chancellor Dunfermline and the Earl of Dunbar sent that letter to his Majesty, reporting its proceedings so far, which will be found among the *Royal and Other Letters* under date 19th June. They there speak of the Parliament as characterised by "the presence of so frequent and famous a nomber of the Nobilitie and Estaitis, and all of thame so devoitlie affectionat in unitie of consent and opinionis to your Majesteis service as thair is no man levand who did ever sie the lyke in ony tyme bigane." The Lords of the Articles, as that letter also states, had then already been chosen. For the spiritual Estate there were *eight* prelates,—viz. the Archbishops of St Andrews and Glasgow, and the Bishops of Dunkeld, Moray, Ross, Galloway, Orkney, and Caithness; for the Nobility there were *eight* representatives, viz. the Earls of Argyle, Mar, Glencairn, Wigton, Montrose (the new Earl), and Kinghorn, with Lords Scone and Holyroodhouse; for the Lesser Barons there were *eight*,—viz. the Lairds of Drumlanrig, Mackenzie, Kilsyth, Balvaird, Caskieben, North Berwick, Blackbarony, and Bogie; for the Burghs there were *nine*,—viz. two for Edinburgh, and one each for seven other towns; and the number was completed to *forty-one* in all by the inclusion of *eight* of the State Officers.—These Lords of the Articles having prepared the requisite Acts, and the whole body of the Estates having deliberated on them, the Parliament, when it rose on the 24th of June, had passed the sixty-four pieces of new legislation which now appear in the printed *Acta Parl. Scot.*, iv. 413–464. — The most important of the Acts of this Parliament of June 1609 were those in the ecclesiastical department. In fact, the Parliament had been called chiefly with this intention,—two English divines, Dr Godwin and Dr Milburne, afterwards English Bishops, having been sent down to preach before the Parliament, and so indoctrinate it and the lieges in the Anglican direction; and, although Calderwood notes that "few of the ancient nobility" came to the Parliament, and also that a number of the chief nobles who did attend showed strong resentment of the precedency allowed to the Archbishops and Bishops in the ceremonial,—*e.g.* the arrangement by which the Archbishops rode before the Earls, and the Bishops before the Lords on the opening day, and both Archbishops and Bishops "betwixt the honours and the Erlis" on the closing day (Calderwood, vii. 38),—yet the tenor of all the ecclesiastical Acts passed by the Parliament was decidedly towards that strengthening of the Scottish Episcopacy on which the King was resolved. For example, there was an Act called *Act of the Commissariats*, by which his Majesty and the Estates, in order to the complete restoration and redintegration of the Archbishops and Bishops "to thair former authoritie, dignitie, prerogative, privileges, and jurisdictiouns, lauchfullie pertening, and [that] shall be knawin to pertene to thame (alwayes flowing frome his Majestie alsweill as ony uther ordinar jurisdictioun doth)," specially restored to them "the jurisdictioun of commissariatis and administratioun of justice by thair commissioneris and deputeis in all spirituall and ecclesiasticall causes," — *i.e.* the power, hitherto vested in the Lords of Session, of appointing lawyers and other officials to constitute courts for the trial and decision of will cases, divorce cases, and the like, in the different dioceses: all previous commissary courts of the kind to cease, and their officers to be discharged, with the exception of such as the Court of Session might authorise as fit for new presentation to their offices by the said Archbishops and Bishops. Even in a cluster of Acts nominally for the restraint and suppression of Roman Catholicism there were provisions tending to an

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Order to the King's Advocate to libel a summons to be pursued before the justice against Spalding of Eschintullie for his treasonable resset of Alexander Ruthven, his Majesty's declared traitor, according to the information which he shall receive from the Earl of Tullibardin, his informer.

Order against Spalding of Eshintully for reset of Alexander Ruthven.

increase of the power of the Bishops. Thus, in one respecting noblemen and gentlemen sending their sons abroad for their education, it was regulated that the pedagogue sent abroad with the young man in every such case should have a testimonial of his soundness in the faith and other qualifications from the Bishop of his diocese; and in another it was regulated that each Archbishop and every Bishop should annually give in a roll to the Treasurer, Comptroller, Collector, and Director of Chancery of "all suche persones within his diocie who ar excommunicat for religioun" so that such persons might be duly handled by the secular authorities. Moreover, there was a famous *Act of Apparel*, which, though general in its application to all public functionaries of the realm, civil or ecclesiastical, touched the clergy and the episcopal order in particular. The preamble of this Act was to the effect that, the "greatnes of his Majesteis empyre, magnificence of his courte, fame of his wisdome and justice," &c., having begun already to "allure divers forane princes and utheris strangeris of all estaittis to mak mair frequent repair to his countrey nor evir they did in ony preceding age," it was particularly necessary, for the credit of the country in the eyes of such strangers, and for their good report of the country over Europe, that all public personages should be distinguished by suitable differences of apparel. Accordingly, previous regulations as to the proper costume of nobles in Parliament, judges, magistrates of towns, &c., having been to a considerable extent inoperative, and the Parliament not feeling itself quite competent to decide on the proper costume for the various ranks of civilians, it was enacted that the subject should be referred to his Majesty's own consideration, and that whatever instructions he might send down should have the force of law. So with the clergy. "Considering what slander and contempt hes arrissin to the ecclesiasticall estait of this kingdome by the occasioun of the licht and undecent apparrell used by some of that professioun," the Parliament did indeed enact that every preacher of God's Word should thenceforward wear "blak, grave, and comelie apparrell"; but, after this mere generality, they relieved themselves of the special difficulties and complexities of the costume question, as follows:—"And, becaus the haill Estaittis humelie and thankfullie acknawleges that God of his great mercie hes maid the people and subjectis of this countrey sa happie as to have a King regne ouer us wha is maist godlie, wyse, and religious, haiteing all erronious and vane superstitioun, just of governament, and of lang experience thairin, knawing better then ony King leving what appertenis and is convenient for everie estait in thair behaviour and duetie, theirfoir it is aggreid and consentit by the said Estaittis that, what ordour sa ever his Majestie in his great wisdome shall think meit to prescryve for the apparrell of kirkmen, aggreable to thair estait and moyen, the samin, being sent in wrytt by his Majestie to his Clerk of Register, shall be a sufficient warrand to him for inserting thairof in the buikis of Parliament, to have the strenth and effect of ane Act thairof,—with executiorialis of horning to be direct thairupoun aganis sic persones as, within the space of fourtie dayis eftir the publicatioun and intimatioun to thame of the said Act, or charges used aganis them thairupoun, shall not provyde thamselffis of the apparrell to be appointit by his Majestie." The anti-presbyterian significance of this portion of the *Act of Apparel* will be at once perceived.—Among the non-ecclesiastical Acts passed by the Parliament, one entitled *Act against Scandalous Speeches and Libellis*, asserted his Majesty's continued anxiety for the accomplishment of a thorough union between Scotland and England, and, taking notice that this just and godly enterprise was impeded specially "by false and calumnious bruttis, speches, and wryttis craftelie utterit and dispersit be some lawles and saules people of this realme, alsweill in privat conferences as in their meittingis at tavernis, ailhoussis, and playis, and by thair pasquillis, libellis, rymis, cokalanis, commedies, and siclyk," ordained that all persons detected thereafter in uttering reproaches in any such way against England, the English people, or any of the English Councillors, or otherwise decrying the Union, should be called to account and punished personally and in their goods. Another non-ecclesiastical Act was *Anent the Egiptians*, and confirmed a previous Act of Parliament against the Scottish Gypsies, by declaring that every man and woman of the Gypsy race found in Scotland after the 1st of August next should be liable to death, and that the resetters of such should be liable to fine and imprisonment.—Besides

Edinburgh, 27th June.

Sederunt—Chancellor; Dumbar; Ergyle; Craufurd; Marschaill; Mar; Mortoun; Caithnes; Glencarne; Cassillis; Orknay; Home; Wyntoun; Kinghorne; Tullibardin; Bishop of Glasgow; Bishop of Orknay; Bishop of Brechin; Bishop of Caithnes; Saltoun; Acta 1609. (Jan.-July.)

the legislative Acts of the Parliament, there were several of a judicial nature. No reference, indeed, was made to the case of Secretary Balmerino and his recent condemnation for high treason,—that being a matter left entirely between the degraded and imprisoned convict and his Majesty himself; but there were two important processes of treason against other criminals, with sentences of forfeiture. One was upon Lord Maxwell, then a fugitive on the Continent, after his numerous and varied treasons and delinquencies, the most recent of which have been noted. He was sentenced in absence to death, confiscation of all his property, and the extinction of all his family titles and honours. More remarkable still at the time, and more interesting now historically, was the process and doom of treason against the late Robert Logan of Restalrig. A word or two on this celebrated portion of the business of the Scottish Parliament of June 1609 may fitly conclude this footnote.—We have seen how, on the trial ten months ago, of George Sprott, a notary of Eyemouth, for guilty concealment of knowledge of facts relating to the Gowrie Conspiracy of 1600, it had been brought out, or supposed to be brought out, that a leading spirit in that conspiracy, and the correspondent and adviser of the two Gowrie brothers in the whole affair, had been a certain Logan of Restalrig, Lord of Fastcastle on the Berwickshire coast, who had gone to his grave in 1606, with the dark reputation of having led a very ruffianly life, and been concerned in many desperate acts, but to whom no suspicion of connexion with the Gowrie Conspiracy had been attached before Sprott's revelations. Sprott, on his trial, had avowed that he had seen letters of Logan leaving no doubt of the fact, had quoted the substance of one of the letters from memory, and had declared that this letter might still be found among his papers at Eyemouth; and, though Archbishop Spotswood and others regarded his statements as imposture or hallucination, he had adhered to this testimony on the scaffold (*ante*, p. 151, footnote). Since then the prosecution of the inquiry suggested by Sprott's depositions had naturally been taxing the utmost industry and ingenuity of Lord Advocate Hamilton and others of the Council, with the result that the case against the dead Laird of Restalrig had been completely got up, his eldest son and heir had been duly warned that his lairdship was in peril by his father's treason, and the dead laird's own bones had been disinterred for the hideous formality of their production in Parliament during his trial. Actually there were produced in Parliament also, in addition to a certified copy of Sprott's deposition, five manuscript letters which seemed to be those very letters of Logan to which Sprott had referred, and one of which he professed to have kept in his possession; and seven witnesses, who had known Logan well or knew his handwriting well,—one of them Treasurer-depute Sir John Arnot, three of them parish ministers, another a sheriff clerk, and another a notary,—all swore, more or less positively, six of them without the slightest reservation, that they were convinced that the five letters were in Logan's own very peculiar hand and in no other. On this evidence the Parliament found Logan to have been guilty of high treason in his life-time, and therefore decreed the abolition of his name, memory, dignity, and family arms, and the forfeiture of all his estates to the Crown. The entire process, with copies of the five letters, may be read at length in *Acta Parl. Scot.*, iv. 419–428, or in Pitcairn's *Criminal Trials*, ii. 276–291; and the originals of the five letters are now extant in the Scottish Register House, for the inspection of those who are still curious over the mystery of the Gowrie conspiracy. That, as every one knows, is still for many a maddening *quæstio vexata*. The orthodox belief, as it may be called,—maintained by such recent authorities as Tytler and Dr Hill Burton,—is that the five Logan letters are genuine, and impart something like coherence and intelligibility to the whole previous story of the Gowrie conspiracy. There are still, however, persevering sceptics, who, doubting the whole original and official story of the incidents of the Gowrie House Tragedy of 1600, and following Archbishop Spotswood in regarding Sprott's deposition of 1608 as either imposture or hallucination, insist that the five Logan letters produced in the Parliament of 1609, and still extant, are forgeries by important personages who were interested, either on their own account or the King's, in giving definite form and substance to that theory of the Gowrie Conspiracy which Sprott's deposition had suggested. They point to the fact that there

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Uchiltrie; Lovat; Gray; Elphinstoun; Hereis; Roxburgh; Blantyre; Halyruidhouse; Burlie; Master of Elphinstoun; Comptroller; President; Justice Clerk; Advocate; M°Kanzie; Quhittinghame; Sir Robert Melvill; Sir Lues Craig; Sir Alexander Drummond.

Irvine of Drum against Lord Forbes for breach of assurance. Lord Forbes committed to ward.

Complaint by Sir Thomas Hammiltoun of Bynnie, King's advocate, for the King's interest, and by Alexander Irwing of Drum and Robert Irwing of Glaswell, as follows:—Albeit Arthour, Lord Forbes, by his letter of 25th May last (? 1607), assured, for himself and his friends, the said Alexander and his friends against harm from them under pain of perjury

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and 10,000 merks, yet, on 20th February last, while the said Robert Irwing, the Laird of Drum's special friend, was riding, without armour or company, "saulffing his rynnane boy," to the Baron of Brachachy's house of Cundlie on the Don side, Lord Forbes, accompanied by David Forbes of Putachie, his brother, William Gariauch, younger of Kinstair, Robert Johnnstoun, *alias* "Ding the Divill," Johnne Forbes, called of Thanstoun, Lindsay, son of the Laird of Faisdow, Musset, servitor to the said Lord, and others, to the number of 24 persons on horse and foot, all being Lord Forbes's men, and armed with hagbuts and pistolets, waylaid the said Robert, "brak at him," and "with bendit pistolletis" chased him to the house of Cundlie, where they besieged him a long time, and at last "cryed for fyre," of purpose treasonably to burn the house. This they would have done had not the "guid wyff of the house," fearing the destruction of her movables, opened the doors and given entry to the defenders. They then "presentit bendit pistolettis to his breist," and threatened him with instant death if he did not reveal where the

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Laird of Drum and his brothers were. "Movit with pitie of the said Robert his present danger," the good-wife "humelie upoun hir kneis besocht the said Lord to spair the said Robertis lyff": whereupon Lord Forbes answered that he would spare him till he found the Laird of Drum and his brothers, "saying he wald begin at the heid and not at the memberis."—Charge had been given to Lord Forbes to answer; and now, both parties appearing, the Lords assoilzie Lord Forbes, because he has declared by his great oath that the libel is not true; but, the said Robert

ge 625.

Johnnstoun and William Gariauch, who were in Lord Forbes's, company, having been examined, and the former having admitted that he had a hagbut and the latter that he had a pistolet the day foresaid, the Lords

are discrepancies after all between the letters and Sprott's deposition, and also to the fact that no information was given by the Lord Advocate in the trial of the dead Logan in 1609 where or by what means the letters, certainly not produced in Sprott's trial in 1608, had meanwhile been found. Again referring, as in the previous footnote at p. 152, to Mr Mark Napier's note to a passage in Spotswood's History, as the most ingenious and impressive statement of the arguments for this sceptical view, and to Mr Bisset's re-statement of some of the arguments in his *Essays on Historical Truth*, I may add that I have reason to believe that the late Mr David Laing kept tenaciously to the same view in some form or other, and contemplated, not long before his death, some corresponding disquisition of his own on the problem of the Gowrie Conspiracy.

ordain Lord Forbes to be committed to ward in the castle of Edinburgh and the said two persons in the tolbooth of Edinburgh. Further, the said Robert Irwing having admitted that he had a pair of pistolets and a "putrinell" on the same day (affirming, however, that he had them not for offence but for defence), he also is ordered into ward in the said tolbooth. Acta 1609. (Jan.–July.)

Order to Forbes of Pitsligo and other Forbeses to remain in Edinburgh.

In order to the keeping of the King's peace, the Lords ordain Forbes of Pitslego, William Forbes of Monymusk, James Forbes of Lethindie, William Forbes of Tolquhone, Johne Forbes of Corsindae, and Forbes of Cors, to remain still in Edinburgh till relieved by the Council.

Lord Torthorwald declares Robert Cunninghame to be his man.

Lord Torthorwald appears, and declares Robert Cunynghame, brother of the Laird of Bonytoun, who is at the horn for not subscribing an assurance to Andro, Lord Stewart of Uchiltree, to be his servant, and undertakes to answer for him. Page 626.

Edinburgh, 29th June. Charge for renewing assurance between Gordon of Lochinvar and others.

The assurance between Sir Robert Gordoun of Lochinvar, on the one part, and William M'Clellane of Auchleane, Johnne Broun, younger of the Land, and William M'Clellane of Mullok, on the other part, being now expired, albeit the variance between them still remains, there is order to command both parties to subscribe, within six hours after the charge, under pain of rebellion, such form of assurance as shall be presented to them, to endure till 1st June 1610.

Edinburgh, 3rd July. Dispensation to Adam Gairden to export wheat and bear.

The Lords, with consent of James, Lord of Bewlie, comptroller, give license to Adame Gairdin, merchant in Edinburgh, to export to any foreign place 100 chalders of wheat and bear, and to sell the same, without incurring penalty, notwithstanding the laws made in the contrary. The license, passed under the the signet, is subscribed by the Chancellor, James Hay, and Comptroller. Commissions, Fol. 70, b.

Edinburgh, 4th July.

Sederunt[1]—Chancellor; Dumbar; Mortoun; Lotheane; Bishop of Glasgow; Bishop of Orknay; Bishop of Brechin; Uchiltrie; Gray; Lovat; Bugcleuch; Blantyre; Halyrudhouse; Comptroller; President; Justice Clerk; M'Kanzie; Quhittinghame; Priestfeild; Bruntiland; Sir Johne Arnot. Acta 1609. (Jan.–July.) Page 626.

Decree against Douglas, younger of Cashogle, for debt.

Action by Elizabeth Stewart, Lady Newbie, relict of Johnne Johnestoun of Newbie, and Mr Samuell Kirkpatrik, now her spouse, against William Douglas, apparent of Caschogill, as surety for Sir James Murray of Cokpule, for remaining unrelaxed from a horning of 14th April last for not paying them 3000 merks as principal and 300 merks for expenses, also £6 of expenses and 40s. paid to the Lords' collectors.—Kirkpatrik appearing, the defender is to be apprehended for non-appearance. Page 627.

[1] The *Book of Sederunts* (Fol. 84, b, and 85, a) records this day two meetings of the Council, the above as *ante meridiem*.

Action by Adam Scot, merchant in Edinburgh, against Andro Schortreid of Hartwoodburne, for remaining unrelaxed from a horning of 15th April last for not paying him, as assignee to Waltir Scot, son and executor dative to late Robert Scot of Burnhead, £120 and 3240 merks as principal and £20 of expenses, with deduction therefrom of £108.—Pursuer appearing personally, decree as in last Act against defender. Decree against Shortred of Hartwoodburn for debt.

Page 628.

Action by George Narne, younger, citizen of Saint Androis, against Johne Hammiltoun, fiar of Blair, for remaining unrelaxed from a horning of 13th June last for not paying complainer 1150 merks.—Pursuer appearing by Archibald Douglas, decree as in last Act against defender. Decree against John Hamilton, fiar of Blair, for debt.

Page 629.

Action by Henry Kilbowie, son of late Andro Kilbowie, burgess of Striveling, and by David Kilbowie in Leith, and Johnne Skowgall, writer, his curators, against David Levingstoun, son and apparent heir of Johnne Levingstoun of Dynnypace, for remaining unrelaxed from a horning of 13th December last for not paying complainer £1000 as principal and £200 of expenses.—Pursuers appearing by James Elphinstoun, decree as in last Act against defender. Decree against Livingstone, younger of Dunipace, for debt.

Page 630.

Complaint by William Forbes, son of William Forbes of Polflug, that in May last Thomas Fraser, brother of Andro Fraser of Muckall, forgathering with complainer at the townland of Kynnatie, assaulted him with weapons and wounded him in divers parts of his body.—The Laird of Polflug appearing for his said son, defender is ordered to be denounced for non-appearance. William Forbes against Thomas Fraser for assault.

Page 631.

Action by James Wauchop, son of Mr David Wauchop of Kaikmure, against Agnes Auchincraw, relict of Robert Broun of Blaikburne, and James Broun, now of Blaikburne, his son, for remaining unrelaxed from a horning of 24th March last for not paying complainer an annualrent of 120 merks due by them from 1604 to 1608, with 50 merks of expenses.—Pursuer appearing by William Bauchop, defenders are to be apprehended for non-compearance. Decree against James Brown and Agnes Auchincraw for debt.

Page 632.

Action by Ludovik, Duke of Lennox, great admiral and chamberlain of Scotland, sheriff principal of Dunbertane, and lord of the regality of Lennox, and Waltir, Lord of Blantyre, his Majesty's justices within the shire of Dunbertane, regality of Lennox, and the seven kirks annexed thereto (*ante*, pp. 263–4), against the following persons for remaining unrelaxed from hornings of 13th and 15th October last for not paying pursuers the sums of money specified in decrees pronounced by the pursuers against them in a justice court held in the tolbooth of Dunbertane: viz., Mungo Lindsay of Bullull for himself and as cautioner for Aula M^{c}Caula of Ardincaple, Johnne Lindsay of Tullichewne, William Lindsay in Dalquhirne, and Johnne Naper, tailor, and said Johnne and William Lindsayis for themselves, James Buquhennane in Balloch, principal, Johnne Allan in Tillichewne, principal, and Mungo Buquhennane there, his cautioner, Adam Lindsay in Stukrochert, for himself and as cautioner for Johne M^{c}Intyre, Daniell Colquhoune in Port of Rosdo, principal, and Johnne Decree against a number of persons for not paying debts to the Duke of Lennox and Lord Blantyre, as justices in Dumbartonshire.

Campbell, fiar of Clauchane, his cautioner, Allaster M°Aula [? in] Ballernik Moir, as cautioner for Patrik M°Caula in Stuknaduff, Johnne Colquhoun, fiar of Camstrodane, cautioner for Patrik Denestoun, sometime in Auchindonane-Denestoun, Robert Buquhennane in Mylnetoun of Balloch, principal, and William Buquhennane of Drumekill, his cautioner, and said William as cautioner for Johnne Crokatis in Rinabir and Robert M°Cull, fisher there, Aula M°Aula, brother of Aula in Stuknedow, and Umphra M°Wattie in Bairverdin, as principals, and Aula M°Aula of Ardincaple as cautioner for them, Johnne Colquhoun in Dalmure, Robert Lang there, and James Lang there, principals, and Alexander Douglas of Manis, their cautioner.—Pursuers appearing by Waltir Murray, defenders are to be apprehended for non-compearance. Acta 1609. (Jan.–July.) Page 633. Page 634.

Decree against the Earl of Moray for debt.

Action by Robert Creichtoun, servitor to Francis, Earl of Erroll, against James, Earl of Murray, for remaining unrelaxed from a horning for not paying complainer 6000 merks as principal and 1000 merks for expenses. —Pursuer appearing, decree as in last Act against defender. Page 635

Decree against Sir Alexander Fraser of Philorth and others for debt.

Action by Johnne Fullertoun, sheriff clerk of Kincardine, for himself, and for Richard, his son, against Sir Alexander Fraser of Fraserburgh, Alexander Fraser, his son, Waltir Fraser, brother of said Sir Alexander, George Craufurde of Annochie, and Hew Craufurd of Quhythill, for remaining unrelaxed from a horning of 25th January last for not paying complainers 1000 merks as principal and 200 merks of expenses.—Pursuers appearing by Archibald Douglas, decree as in last Act against defenders. Page 636.

Decree against a number of persons for debts to Lord Scone.

Action by David, Lord of Scone, against Patrik Douglas of Kilspindie, Margaret Reid, relict of Andro Gray of Bulyeoun, Robert Gray in Balschando, Margaret Fergusoun, relict of James Robertsoun in Newtoun of Huntingtour, Petir Fergusoun, gardener there, Johnne Kluik in the Bussis, Thomas Sword at the mill of Pitcairne, Richard Smyth of Over Fingask, Alexander Soutar in Bauchre, Duncane Lindsay in Ballinbrech, James Bennet there, Archibald Robertsoun there, Johnne Quhyte there, William Ritchie there, Robert Bennet there, and William Lindsay there, for remaining unrelaxed from horning of 26th May last for not paying pursuer the sums of money mentioned in the letters of horning as the maills, customs, and duties of such of the lands of the lordship of Scone and barony of Huntingtour [? as are possessed by them].—Archibald Douglas appearing for the pursuer, there is decree as in the last Act against defenders for non-compearance. Page 637.

Decree against Finlayson of Killeith for debt.

Action by Robert Young, maltman, outwith the west port of Edinburgh, against Mathew Findlasoun of Killeith, for remaining unrelaxed from a horning of 18th June 1608 for not relieving complainer, as cautioner for him to Beatrix Robertsoun, of payment of 500 merks as principal and 100 merks of expenses.—Pursuer appearing, decree as in last Act against defender. Page 638.

Complaint by James Innes of Dranie, and Alexander Innes, his brother, that, on 13th April last, while they were repairing to a ferry

ta 1609. an.–July.) ge 639.

boat of Spey in Murray, Johnne Innes of Elrik, Waltir Barclay and William Chaip, his servitors, and Robert Innes of Coitis, all armed, lay in wait for them beside the boat, struck the said James in the shoulder with drawn swords, and gave said Alexander a deadly wound in the head.—Innes of Dranie appearing, defenders are to be denounced for non-compearance.

Innes of Dranie against Innes of Elrig and others for assault.

ge 640.

Complaint by Mathew Lindsay in Blanterferme, creelman, that, on a night in September last, while he was returning from Glasgow to his own house, Andro Leiche in Rutherglen came riding on horseback and commanded him to surrender, avowing if he refused to take his life. Complainer for safety of his life consented; whereupon Leich with his own dirk gave him a deadly wound under the right shoulder blade, whereby the complainer lay bedfast two months.—Both parties appearing, the Lords assoilzie the defender, because the pursuer has failed in proof.

Matthew Lind say against Andrew Leitch for assault.

ge 641.

Complaint by David Ros, apparent of Balnagowne, and William Ros, his servant, that on 20th July last Donald Ros in Knokane, with his accomplices, all armed, came to the water of Orkell belonging to said David, demolished his coble, destroyed his salmon nets, assaulted his said servant, and left him for dead.—Charge had been given to defender to answer; also, to Angus Ros in Drumvaech, Donnald Ros in Soyill, Johne Ros in Innercharroun, Hucheoun Ros, servitor to Nicolas Ros, portioner of Cunlich, Alexander Simpsoun and Alexander Ros, servitors to Hucheoun Ros of Brekache, and Donnald Ros, apparent of Preisthill, to appear as witnesses; and now, said David appearing, but none of the foresaid persons, the order is to denounce them rebels.

Ross, younger of Balnagown, against Donald Ross for violence and assault.

ge 642.

Complaint by James Gray in the Grange-mill, William Elder in Tyrie, William Yule there, Johnne Downie, his servant, and Johnne Kennedy in Bauchrie, as follows:—In November and December last, Henry Moutray of Seyfeild, and Petir Narne, his servant, came to the lands of Grange and Tyrie occupied by complainers, "tuke the ky, quoyis, and calvis pertening to the saidis complenairis," and, "haveing knyt the taillis and rumpleis of the saidis ky to the taillis and rumplis of the saidis young quoyis and calvis," thereafter "houndit thame with dogis and men sa violentlie quhill the saidis ky, being stronger nor the uther young beistis, overthrew thame and pullit the taillis and rumplis frome thame." Again, the Laird of Seyfeild and his men struck the said Johnne Kennedy's cattle with forks and staves and slew one of his kye. Further, on 2nd June last, Narne, hounded out by Moutray, came to the lands of Tyrie and wounded Yule and Downie. Since then Narne has destroyed their corns and grass, has ploughed up their corns, and daily threatens their slaughter, affirming that he knows "the price of ane carle" to be 200 merks.—Gray and Yule appearing, and the defenders being also present, the Lords ordain Narne to be committed to ward in the tolbooth of Edinburgh, in respect that he has admitted the said "knitting togidder of the taillis" and the hurting of Yule.

James Gray and others against Henry Moutray and others for assault and houghing.

ge 643.

Decree against Laurence Nairn for debt.

Action by James Dalzell and William Balfour, burgesses of Edinburgh, against Laurence Narne of Tullifergus, for remaining unrelaxed from a horning of 1st November 1603 for not paying complainers £52.—Pursuers appearing by Archibald Douglas, defender is to be apprehended for non-appearance. Acta 1609. (Jan.-July.) Page 644.

Suspension of horning obtained against MacLellan of Auchlene by Johnstone of Wamphray.

Complaint by William M°Clellane of Auchleane, tutor of Bombie, as follows:—Willie Johnnstoun, called Willie of Wamphray, alleging that an act whereby the complainer became surety in £1000 for the late Gilbert Johnnstoun of Wamphra,—to the effect that he and his men would be answerable conform to the general band,—had been violated by the complainer's nonentry of the said Gilbert before the Council upon a horning used against him for a civil cause by the said Willie's brother, has charged complainer to pay to him one-half of the said sum, under pain of rebellion. Now, if the complainer had been lawfully summoned, he would have appeared and proponed many reasons why he should not have been charged. In the first place, the general band applies only to capital crimes, commonly committed in the Highlands and Borders, and the entry of the offender is appointed to be before the justice only, and not before the Council. Further, on 18th November 1600, shortly after the giving of the said decree against complainer, he, for the causes abovewritten, obtained suspension of the same. For these reasons, and also because, for obedience, the complainer has found caution to pay the said penalty if it be found that he ought, the said letters of horning should be suspended.—Pursuer appearing by Adam Cunynghame, and the defender being personally present, the Lords do suspend the said horning for the causes abovewritten, verified by production of the said decree of suspension. Page 645. Page 646. Page 647.

Acts in favour of certain Scotsmen desiring to be undertakers in the intended Plantation of Ulster.

The following persons, appearing before the Council, are received and enrolled as "undirtakeris in the intendit plantatioun and distributioun of the forfeyted and escheated landis of the province of Ulster":—Robert Montgomerie of Kirktown for 2000 acres,—Robert Craufurd of Possill becoming surety for him in £400 sterling that he shall fulfil the conditions; Daniell Craufurd, goldsmith, burgess of Edinburgh, for 1000 acres,—George Craufurd, goldsmith, burgess there, becoming his surety in £200 sterling; Robert Coutis of Corswoodis, for 1000 acres,—the said Robert, as principal, and Johnne Coutis, skinner, burgess of Edinburgh, being bound in £200 sterling; Johnne Andirsoun, burgess of Edinburgh, for 1000 acres,—Thomas Andirsoun, merchant, burgess there, becoming his surety in £200 sterling; David Craufurd, son of Andro Craufurd of Badlair, for 2000 acres,—Robert Montgomerie of Kirktoun becoming his surety in £400 sterling.—The Act in each of these cases is, word for word, the same as the previous Act in the case of James Anderson, which will be found at p. 300. Page 648.

The Earl of Orkney committed to ward.

The Lords, having heard the report of the commissioners appointed to examine the "proces of the poore complenairis" of Orknay and Zetland against the Earl of Orknay, and having considered the probation which has been received in the said process, give no final sentence in the matter, and

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wait to be advised by his Majesty thereanent; but in the meantime they ordain the said Earl to be committed to ward in the castle of Edinburgh.[1]

derunts, ol. 85, a.

Sederunt (post meridiem)—Chancellor; Wyntoun; Torphechin; Blantyr; Master of Elphinstoun; President; Comptroller; Privy Seal; Edzell; Sir Alexander Drummond; Fostersait; Sir Johnne Arnott; Sir William Hairt; Quhittinghame.[2] Edinburgh, 4th July.

ommissions, ol. 35, b.

As Johnne Carmichaell in Abintoun, Johne Carmichaell in Maynis, William Carmichaell, younger in Reidmyre, Johne Carmichaell, his brother, Waltir Carmichaell, brother of Johnne Carmichaell of Medowflat, Mungo Carmichaell, called of Mylne, and Alexander Carmichaell, brother of William Carmichaell of Maynis, remain unrelaxed from the hornings raised against them by the late Mark, Earl of Lowtheane, and Andro Johnnestoun and David Johnestoun in Kinnyilheid, his tenants dwelling on his lands of Craufurdmure, and also by Sir Thomas Hammiltoun of Bynnie, for his Majesty's interest, for not answering before the Council for the crime of coming with lances, hagbuts, and pistolets, and accompanied by broken men, to the said lands, and there pursuing the said tenants for their lives, and slaying and houghing a number of sheep, horses, and other goods, commission, passed under the signet, and signed by the Chancellor, Wintoun, Torphechin, and Blantyre, is given to the sheriff of Lanark, Sir William Greir of Lag, and Sir Johne Charterhous of Amisfeild, to take the said rebels wherever found, and enter them before the Council or Justice. Commission to apprehend John Carmichael and certain other rebels.

ol. 37, b.

Licence, signed by the Chancellor, Wintoun, Torphechin, and Blantyre, to Thomas Turnbull of Mynto, to go abroad for three years from the date hereof, on condition of his doing nothing in his absence prejudicial to his Majesty's estate or to religion. Licence to Turnbull of Minto to go abroad.

cta 1609. Jan.–July.) age 649.

Sederunt—Chancellor; Murray; Saltoun; Uchiltrie; Lovat; Torphechin; Halyruidhous; Blantyre; Master of Elphinstoun; Bishop of Ros; Bishop of Murray; Bishop of Orknay; President; Comptroller; M°Kanzie; Quhittinghame; Kilsyth; Foistersait: Clerk of Register; Sir Johnne Arnot. Edinburgh, 6th July.

Action by William Mayne, brother and heir of late Cristell Mayne, merchant, and brother of Johnne Mayne, merchant, burgess of Edinburgh, against Johnne Machane, merchant, burgess there, for remaining unrelaxed from a horning of 24th February last for not fulfilling to complainer the letters obligatory made by him to said Cristell, dated 27th November 1593. Decree against John Mauchan for non-fulfilment of obligation.

1 This imprisonment of the King's relative, the Earl of Orknay, to wait trial for his long tyranny and oppressions in the Orkneys and Shetlands (see *ante*, pp. 214–215, footnote), is a notable incident in a story which was not to end till some years hence. From this date, however, the Earl is a prisoner.

2 From the *Book of Sederunts* (Fol. 85, a) it appears that the two following Acts, along with the Act passed in favour of the Scottish colonists of Ulster (*ante*, p. 312), were passed at the afternoon meeting of the Council.

—Pursuer appearing by Archibald Douglas, defender is to be apprehended for non-appearance. Acta 1609. (Jan.–July.) Page 650.

Mr David Rodger, minister at Closeburn, against Kirkpatrick, younger of Closeburn, for oppression.

Complaint by Mr David Rodger, minister at Cloisburne, as follows:—After the "mony oppin insolenceis and avowed oppressionis" committed by Thomas Kirkpatrik, younger of Cloisburne, on his own parents and divers good subjects, he now by force prevents the complainer from uplifting the vicarage duties of the kirk of Cloisburne assigned to him in stipend. Upon 24th and 25th May last he came armed to complainer's house and avowed to have his life; and on 26th May last he came to the house of Johnne Kilpatrik in Gilchrysland, one of the elders of the said kirk, and, because the said Johnne refused to give him the vicarage duty of his lands, he "gaif him a grite stryk upoun the heid" with a dagger.—Pursuers appearing, defender is to be denounced for non-compearance. Page 651.

Decree against James Borthwick for debt.

Action by Waltir Scot, brother of Robert Scot of Hanyng, against James Borthuik, brother of Johnne Borthuik, portioner of Ballincreif, for remaining unrelaxed from a horning of 28th June 1608 for not paying complainer £5 for each of 16 bolls of oats, £8 for each of 4 bolls of wheat, and £6 for each of 4 bolls of bear, with the "cheritie," as the duty of the fermes of the half lands of Wester Garmiltoun for the year 1603, with £10 of expenses and 40s. paid to the Lords' collectors.—Pursuer appearing personally, defender is to be apprehended for non-compearance. Page 652.

Suspension of horning obtained by Cunningham, younger of Caprington, against William Shaw.

Complaint by William Schaw, eldest son and apparent heir of George Schaw of Glenmure, that he is charged by William Cunynghame of Capringtoun to find caution in £1000 for his indemnity, under pain of rebellion. As the said penalty is excessive for one who is not fiar of his said father's lands and has nothing except what his father allows, and as he has found caution as required, the said charge should be suspended.—Both parties appearing, the Lords do suspend the letters, and modify the penalty to 1000 merks. Page 653.

Annan of Auchterallan against Cheyne of Pennan and others for violence and oppression.

Complaint by the King's Advocate, and by Alexander Annand of Auchterallane, as follows:—In last James Cheyne of Pennane, Johne Cheyne in Claymyris, Johnne Cheyne, his son, William Cheyne in Claymyris, Audro Garioch there, and Gilbert Chalmer in Bogholl, armed with hagbuts and pistolets and other weapons, came with convocation of the lieges to the mains of Essilmonth belonging to complainer, "raid athort the growand coirnis thairof," and destroyed the same. Again, on Sunday 7th May last, they came to his place of Essilmonth, and, finding him "walking before his awne yet," attacked him with drawn swords. Farther, on 10th and 11th May last, armed as above, they lay in wait for him in his own meadow, of purpose to bereave him of his life. In fact, every month since July last year, they have almost daily carried hagbuts and pistolets, and used them for their "particulair revenge" against all with whom they have quarrel.—Pursuers appearing, but not defenders, the Lords find defenders guilty of having worn hagbuts and pistolets, and order them to enter into ward in the tolbooth of Edinburgh on this account, but assoilzie them from the other points of the complaint. Page 654. Page 655.

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The following persons received and enrolled as undertakers for the Plantation of Ulster:—Mr Johnne Ros, burgess of Glasgow, for 1500 acres,—James Carmichaell of Pottieschaw becoming his surety in £300 sterling; David Carmichaell, son of James Carmichaell of Pottieschaw, for 1000 acres,—Mr Johnne Ros, burgess of Glasgow, becoming his surety in £200 sterling; James Craufurd, goldsmith, burgess of Edinburgh, for 2000 acres,—Archibald Hammiltoun of Bairfute becoming his surety in £400 sterling; Johnne Watsoun, portioner of Sauchtounhall, for 2000 acres,—James Craufurd, goldsmith, burgess of Edinburgh, becoming his surety in £400 sterling; Abrahame Creichtoun, brother of Creichtoun of Brunstoun, for 2000 acres,—Thomas Creichtoun of Brunstoun becoming his surety in £400 sterling; James Dalrumple, brother of Dalrumple of Stair, for 2000 acres,—George Craufurd, younger Auchincors, becoming his surety in £400 sterling.—See *ante*, p. 300 and p. 312. Enrolment of more undertakers for shares in the Plantation of Ulster.

ge 656.

ge 657.

Complaint by the King's Advocate, and by Elizabeth Watsoun, spouse of Mr Petir Rollok of Piltoun, as follows:—On 30th June last, when she had gone to Restalrig to inspect certain tenements of land belonging to her in liferent, and had come to the tenement possessed by Johnne Tok, her tenant, and had asked him to open the door that she might see what parts of the tenement were "ruynous and faultie," so that she might get it repaired this summer quarter, the said Tok "first presentit a bendit hagbute" to her breast, and then with a drawn sword avowed to have her life if she pressed to enter the house.—Both parties appearing, the Lords find that Tok "misbehavit himselff," and order him into ward in the tolbooth of Edinburgh. Elizabeth Weston against John Tock for threatening her with firearms.

'age 658.

Complaint by Mr David Prymrois, advocate, clerk of the cocquet between the Quenisferrie and Cambuskeuneth, that Johnne Broun, burgess of Culrois, late tacksman in the said office and now removed therefrom, refuses to deliver to complainer the registers, seals, and stamps of the said clerkship.—Pursuer appearing, but not Broun, there is order to command Broun to give up the said books and stamps to Prymrois within 48 hours after the charge, under pain of rebellion. Mr David Primrose, clerk of cocquet, against John Brown, late tacksman in the said office.

?age 659.

Commissions, Fol. 34, a.

The Lords understanding that, on June last, Jonat Lindesay, spouse of Johnne Sympsoun in Bannance, murdered Johnne Sympsone, son of Johnne Sympsoun, mason in Cromartie, a young child of eight years, commission is given to Thomas Urquhart of Cromartie, sheriff thereof, Johnne Urquhart of Craigfintrey, and James Fraser, sheriff depute of Innernes, to apprehend her, hold a court of justiciary, try her there by assize, and do justice accordingly. The commission, passed under the signet, is signed by the Chancellor and Uchiltrie. Commission to apprehend and try Jonet Lindsay, accused of murder.

Sederunts, Fol. 85, b.

The Lords nominate Johnne, Lord Haliruidhous, Sir Archibald Douglas of Whittinghame, Sir Alexander Drummond of Medop, Mr Alexander Hay of Fostersait, Sir Lues Craig of Wrychtisland, and Sir Andro Hammiltoun, or any three of them, to hear appeals for the suspensions "anent the armour," and to "decyde thairin according to equitie and conscience." Commission anent armour.

Edinburgh, 11th July.

Sederunt—Chancellor; Perth; Lovat; Saltoun; Torphechin; Bugcleuch; Blantyre; Halyruidhous; Bishop of Ros; Bishop of Murray; Edzell; M^cKanzie; Quhittinghame; Kilsyth; Bruntiland; Logy; President; Comptroller; Justice Clerk; Advocate; Privy Seal; Clerk of Register; Mr Petir Rollok; Sir Johnne Arnote. Acta 1609. (Jan.-July.) Page 659.

Act authorising certain tolls for the repair and upholding of the bridge of Dumfries, now in a ruinous state.

Representation by the provost and bailies of Drumfreis that the bridge of Drumfreis, a "verie large brig of mony bows," is now become "verie ruynous and decayit boith in the pendis and butis, the principall pillaris thairof, quhairin the haill strenth of the brig consistis, being by the force and violence of the wattir of Nith so shaikin as now thay ar not able Page 660. langer to sustene the violence of the said wattir, bot at everie tyme of the rysing and swelling of the wattir, quhilk sometymes will ryse to the verie heicht of the brig, the saidis provest and bailleis luikis for the utter overthraw of thair said brig." They add:—"Gif the same be not beitit, helpit, and repairit in tyme, it will not faill this nixt winter to fall doun, —to the grite hurte of the haill cuntrey and to the hinder of the ordinair passage over the water of Nith, seing na boit dar ga upoun that watter bot in calm and fair wedder, in respect it hes so swyft and violent a course." Now, as "it wilbe impossible for the saidis provest and bailleis, and almost to this haill kingdome, to big up that brig agane gif it anes fall doun, as God forbid," and as "the pure inhabitantis of the said toun ar so weyreid with yeirlie and quarterle taxationis and contributionis quhilkis has bene lifted of thame thir yeiris bygane for the uphold of the said brig as thay ar not able langer to undergo that burdyne," the said provost and bailies, believing that the most easy means for repairing the bridge will be by the uplifting of moderate duties on goods crossing the same, request the Council to authorise the rates of duty proposed for the purpose in an Act of Convention of the Burghs.—The Lords, accordingly, give power to Page 661. the magistrates of Drumfreis to uplift during the next seven years for the said purpose the following duties on goods crossing the said bridge, accounting yearly for their intromission to the Commissioners of the Burghs in their general Convention:—each pack of goods 2s., each horse 16d., each cow 16d., each sheep 2d., each lamb 1d., each pack of skins 2s., each daker of hides 12d., each barque coming to Dumfreis 13s. 4d., and each boat ladened 3s. 4d.

Two more undertakers for the Plantation of Ulster.

The following enrolled as undertakers for shares in the Plantation of Ulster:—Parlane M^cWaltir of Auchinvennell, for 2000 acres,—Alexander Colquhoun of Lus becoming his surety in £400 sterling; Mr Malcolme Page 662. Colhoun, burgess of Glasgow, for 2000 acres, Alexander Colhoun of Lus becoming his surety in £400 sterling.—See *ante*, pp. 300, 312, 315.

Commission to apprehend William Mac-Intosh and other rebels denounced for reif.

As William M^cIntoshe of Cullaird, Lauchlane M^cIntoshe, son of James Commissions Glas, *alias* M^cIntosche, Johne Stewart of Kincardonie, *alias* Baron Reid, Fol. 34, b. Johnne Roy M^cInnes Dow M^cEwne at Kynlochell, Ewin M^cConnoquhie M^cInnes at Tollie, Findla M^cAgowne in Glensaluthe, Johnne Roy M^cEwin

ı 1609. —July.)

Dow M^cConeilland, Johne Dow M^cGillichallum in Breache, remain unrelaxed from the horning executed against them on 15th June last by William Forbes of Stragarnik, son and heir of the late Alexander Forbes of Stragarnik, his father, and James Hendirsoun in Fintrey, for not finding caution to answer before the justice for their stealing of threescore twelve kye and oxen off the lands of Torriehoull belonging to the said complainers, commission, passed under the signet, and signed by the Chancellor, Perth, Saltoun, Lovate, Torphechin, and Blantyre, is given to the sheriff of Invernes and his deputes to apprehend the said rebels and enter them before the justice.

erunts, . 85, b.

Decree against Sir Johnne Ogilvy, ordaining him to lose his liferent. Sir John Ogilvy.

nmissions, . 36, a.

As Gilbert M^cWalker in Craiganis, dwelling under the Laird of Barganie, has been this long time regarded as a notorious thief, and as he has lately been taken by Josias Stewart of with the fang, commission, passed under the signet and signed by the Chancellor, is given to James, Earl of Abircorne, to put the said Gilbert to the knowledge of assize. Charge is to be given to Stewart to deliver the said Gilbert to the said Earl.[1] Edinburgh, 12th July 1609. Commission of justiciary against Gilbert M^cWalker, accused of theft.

ta 1609. ın.–July.) ge 662.

Sederunt—Chancellor; Mar; Kinghorne; Forbes; Lovat; Saltoun; Torphechin; Blantyre; Halyruidhous; Master of Elphingstoun; Ros; Comptroller; Justice Clerk; President; Privy Seal; Advocate; Clerk of Register; Edzell; Quhittinghame; Bruntiland; Logy; Sir Alexander Drummond; Sir Johne Arnot. Edinburgh, 13th July.

The following persons enrolled on petition as undertakers for shares in the Plantation of Ulster:—George Murray of Bruchtoun for 2000 acres,—Alexander Dumbar of Egirnes becoming his surety in £400 sterling; Alexander Dumbar of Egirnes for 2000 acres,—George Murray of Brouchtoun becoming his surety in £400 sterling; William Bellindane, son of late Sir Lues Bellindane (Mr Johnne Hairt, younger in the Cannogait, acting for him), for 2000 acres,—said Mr Johnne Hairt becoming his surety in £400 sterling; Nathaniell Cranstoun, son of Mr Michaell Cranstoun, minister of Crawmond, for 1500 acres,—Robert Wardlaw in Edinburgh becoming his surety in £300 sterling; Johnne Meldrum, brother of the Laird of Segy, for 2000 acres,—Ramsay of Balmouth becoming his surety in £400 sterling. More enrolments for shares in the Plantation of Ulster.

age 663.

Robert Hammiltoun of Stanehous appears and presents a letter sent from his Majesty to the Council, "proporting that his Heynes, upoun the humble petitioun of the said Robert, had causit inroll him amangis the nomber of the Scottische undirtakairis for the Irishe Plantatioun for a proportioun of twa thousand aikeres, according to suche loitt as sould befall to him within the County of Armagh, and that his Heynes had remittit him heir to find suretie for hes performance of all suche articlis Security for Robert Hamiltoun of Stanehouse, already accepted by his Majesty as an undertaker for lands in Ulster.

[1] In the *Book of Sederunts* this commission is dated 13th July.

as ar injoyned to be performed be all suche undirtakeris." Accordingly, Johnne Hammiltoun of Gilchriscleuch becomes surety in £400 sterling for the said Robert to the said effect. Acta 1609. (Jan.–July.)

Alexander Smith against Samuel Blackburn for suspension of horning.

Complaint by Alexander Smyth, tailor, burgess of the Cannogait, that he is put to the horn by Samuell Blaikburne, merchant, burgess of Edinburgh, for not answering before the Council touching an assault committed by him on Blaikburne. As he had never been lawfully cited, and as he found caution in 300 merks to answer this day and to pay £10 for his escheat to the treasurer, the said horning should be suspended.—Both parties appearing, the Lords, according to their first sentence, ordain Smyth to be warded in the tolbooth of Edinburgh. Page 664. Page 665.

Moutray of Seafield and others against Kirkcaldy of Grange and others for violence and oppression.

Complaint by Henry Mowtray of Seyfeild, George Mowtray, his brotherson, and Petir Narne, his servant, as follows:—On 2nd June last William Kirkcaldie of Grange, accompanied by Johnne Moyse in Bauchrie, Johnne Kennedy there, Johnne Gray there, James Peirsone there, William Man there, James Gray in the Grange Mylne, Johnne Gray, his eldest son, William Dick in Tyrie Mylne, Henry Sibbie there, Johnne and Thomas Hagyis there, William Yule in Tyrie, Johnne Downie, his servant, David Wastwod in Egismalie, with others, all armed, came to the Laird of Seyfeild's lands of Tyrie, chased the said George off the same while he was sowing corns, drove his "plewmen and gangand pleuch" off the ground, and would have slain Narne, but that "be the providence of God he wan throu grite speid" into the tower of Pittedy,—where they besieged him with picks, mattocks, mells, forehammers, and great gavillock, and lay about the house from the afternoon till 9 o'clock at night. Again, the same day at 1 o'clock in the afternoon, William Yule in Tyrie, and Johnne Downie, his servant, came to said lands of Tyrie, and with forks and halberts pursued the said Narne for his life and wounded him on the right hand.—Both parties appearing, the Lords assoilzie Yule from the part of the complaint touching his invasion of Narne, he having sworn his innocence of that, and assoilzie simpliciter all the other defenders. Page 666. Page 667.

Gilbert Hamilton against John Graham and others for hamesucken and violence.

Complaint by Gilbert Hammiltoun in Neisbitt that, on 1st March 1600 and , Johnne Grahame in Bordland, Andro Jerdane at the Chapel of Dynwiddie, and Willie Bell called of Wamphray, all armed, came at night to complainer's house in Nesbitt, violently entered, wounded him with drawn swords, and, while his wife was "preising to have stayit thame of thair furie," struck her with their hands and feet, "sua that immediatlie thairefter scho pairtit with deid bairne,"—carrying away with them, moreover, all the goods in his house.—Pursuer appearing, defenders are to be denounced for non-appearance. Page 668.

Decree against Sir Harry and Sir John Lindsay for debt.

Action by Alexander Lowes, merchant, burgess of Edinburgh, against Sir Harie Lindsay of Carrelstoun, and Sir Johnne Lindsay, his son, for remaining unrelaxed from a horning of 18th March last for not paying complainer £450 as principal and £60 of expenses.—Pursuer appearing personally, defenders are to be apprehended for non-compearance. Page 669.

Action by Samuell Blaikburne, merchant, burgess of Edinburgh, against

cta 1609. an.–July.)

Andro Gray, apparent of Donynald, for remaining unrelaxed from a horning of 5th November 1607 for not paying complainer £80 as principal and £30 of expenses. Action of the same against Andro Moncur of that Ilk for remaining unrelaxed from a horning of 13th September last for not paying him £79, 10s., with £10 for expenses of plea and 40s. paid to the Lords' collector.—Pursuer appearing, decree as in last Act against defenders. Decree against Andrew Gray and Andrew Moncur for debt.

age 670.

Action by Sir Archibald Stirling of Keir against the following persons for remaining unrelaxed from the following hornings:—James Grahame of Drumleane, denounced on 8th January 1607 for not relieving complainer at the hands of Normond Blaikwood, merchant, burgess of Stirling, and Bessie Murdoch, his spouse, of payment to them of £409, 6s. 8d. as principal and £40 of expenses; Harie Stewart of Cragyhall and Johnne Houstoun of Leny, denounced on 7th and 8th February last for not paying complainer £40 as the annual of 547 merks 6s. 8d., borrowed by him for them from Mr Thomas Rollok, advocate, and for not paying to complainer £80 as the annual of 1000 merks borrowed by him from Robert Wardlaw, portioner of Brochtoun, with £20 of expenses for each of said "tua heidis and failyeis."—Pursuer appearing by Archibald Douglas, decree as in last Act against defenders. Decree against James Grahame and others for debt.

age 671.

Action by George Thorbrand, merchant, burgess of Edinburgh, against George Ros of Balnagowne, for remaining unrelaxed from a horning of 16th April last for not paying pursuer £500 as principal and £40 of expenses.—Pursuer appearing, decree as in the last Act against defender. Decree against Ross of Balnagown for debt.

age 672.

Action by Agnes Howiesoun, relict of Johnne Moffet, burgess of Edinburgh, against Sir Robert Creichtoun of Cluny, as principal, and Sir David Hering of Lethentie, as surety, for remaining unrelaxed from a horning of 15th June last for not paying her 1060 merks as principal and £100 of expenses.—Pursuer appearing, decree as in last Act against defender. Decree against Sir Robert Crichton and Sir David Heron for debt.

'age 673.

Action by James Gordoun, brother of William Gordoun of Abiryeldie, against David Kynnynmonth of Craighall, William Gray of Bandirrane, and George Seytoun of Parbroith, for remaining unrelaxed from hornings of 20th February and 23rd June last and 5th instant for not paying complainer, as assignee to his said brother, 6000 merks as principal and £1000 for expenses, with 720 merks over and above.—Charge had been given to Setoun and Gray to answer; and now, pursuer appearing by Archibald Douglas, there is decree against defenders as in last Act. Decree against George Seton and William Gray for debt.

?age 674.

Action by Thomas Patirsoun, merchant, burgess of Edinburgh, against James Fentoun of Wester Ogill and Alexander Guthrie at Creikie mill for remaining unrelaxed from a horning of 7th January last for not paying complainer 1300 merks as principal and 100 merks of expenses.—Pursuer appearing, decree as in last Act against defenders. Decree against James Fenton and Alexander Guthrie for debt.

Page 675.

Action by Thomas Patirsoun, burgess of Edinburgh, against George Ros of Balnagowne, for remaining unrelaxed from a horning of 27th November 1607 for not making furthcoming to complainer as much of Decree against Ross of Balnagown for withholding money due to Thomas Paterson.

Page 676.

the 2000 merks arrested by him in the hands of Ros, belonging to Johnne, Master of Orknay, as will amount to 1190 merks, owing by the said Master to complainer, with £10 as expenses of the plea and 40s. as collector silver.—Pursuer appearing, decree as in last Act against Ros.

William Fenton and others against the Earl of Crawford and certain retainers of his for assault and for carrying fire-arms.

Complaint by the King's Advocate for his Majesty's interest, and by Margaret Erskin, spouse of William Fullertoun of that Ilk, and George Keyth and Petir Blair, his servitors, as follows:—Hary Rynd and Johnne Bannatyne, servitors to David, Earl of Craufurd, with others, being informed that the complainers were to pass on 6th June last through the burgh of Forfer to the city of Brechin, came, all armed with hagbuts and pistolets and other weapons, from the said Earl's place of Fynnevin to the said burgh, and, as soon as they saw complainers coming through Forfer, pursued them for their lives, gave said Margaret a "grite stryk over the neis," inflicted "four deidlie woundis" on Blair, struck Keyth on the head and right arm, "presentit bend pistolletis to their breistis," and had not failed to have slain them if they had not been relieved by some good people present. Farther, the Earl, his said servitors, and William Rynd, son of late Richard Rynd of Famow, also his servitor, regularly and openly "rydis and gangis" with hagbuts and pistolets.—Fullertoun appearing for his spouse, and the other complainers being also present, and none of defenders appearing, the Lords find the assault in Forfer clearly proved against Hary Rynd and Johnne Bannatyne, and that they and William Rynd have often before and after that deed carried fire-arms; for which they are ordered to enter in ward in the tolbooth of Edinburgh, within six days after the charge, under pain of rebellion,—if which pain follows, the Earl is ordered to enter them, because they are his men. The Earl is, however, acquitted of the charge of bearing hagbuts and pistolets.

Page 677.

Page 678.

Page 679.

Decree against the Earl of Moray for non-relief of his cautioner.

Action by James Lindsay of Dowhill against James, Earl of Murray, for remaining unrelaxed from a horning of 12th January last for not relieving complainer, as cautioner for him, at the hands of Robert Flescheour, burgess of Dundie, of payment of 9000 merks.—Pursuer appearing by Archibald Douglas, defender is to be apprehended for non-appearance.

Page 680.

Decree against Thomas Mann for debt.

Action by Mr William Hammiltoun, son of Johnne Hammiltoun of Blair, against Thomas Man, merchant, burgess of Dundie, for remaining unrelaxed from a horning of 19th March 1608 for not paying complainer, as assignee to Thomas Gurdlaw of Dargo, £480.—Pursuer appearing by Archibald Douglas, decree as in the last Act against defender.

Page 681.

Charge to Innes of Innermarkie and others for keeping the peace.

There being at present a "verie grite heit and miscontentment" between Robert Innes of Innermerky, Alexander Innes of Cokistoun, and Mr Johnne Innes, his son, on the one part, and William Innes of Blakhillis, on the other part, "upoun occasioun of the bigging of ane mylne dam upoun the commountie of ," there is order to charge both parties not to make convocation of the lieges, or "ony novatioun in bigging, uphalding, dimolisching, or distroying of ony dammis upoun the said commontie," but to pursue their rights according to law, under pain of rebellion.

Page 682.

ommissions, ol. 33, b.

As Williame Montgomerie, writer, remains unrelaxed from hornings executed against him on 11th and 12th July 1608 by the relict, Mr Johnne Garven, brother, and the fatherless bairns, of the late Hew Garven, common clerk of Irwing, for not answering before the justice for the slaughter of the said Hew, committed in June 1607, commission, signed by the Chancellor, is given to Sir Archibald Stirling of Keir, Sir James Edmestoun of Duntreth, and Cunynghame of Craigance, to apprehend the said rebel and enter him in the tolbooth of Edinburgh. Commission to apprehend William Montgomery, accused of slaughter.

derunts, ol. 86, a.

"Letters to arreist shippis to attend upoun the transport of the Bishop of the Yllis to the Yllis."

ota 1609. an.–July.) age 682.

Order to charge William Cunynghame of Capringtoun and his eldest son, and George Craufurd, apparent of Leifnoreis, to appear before the Council on 18th instant, under pain of rebellion, to hear decree pronounced on the complaints between them anent convocation of the lieges, bearing of fire-arms, reset of fugitives, and committing of oppression. Edinburgh, 16th July. In the matter of the feud between Cuningham of Capringtonand Crawford of Lefnoreis.

Sederunt—Chancellor; Dumbar; Mar; Wyntoun; Perth; Wigtoun; Kinghorne; Lotheane; Bishop of St Androis; Bishop of Glasgow; Bishop of Ros; Bishop of Orknay; Bishop of Brechin; Forbes; Gray; Saltoun; Lovat; Elphinstoun; Roxburgh; Halyruidhous; Torphechin; Blantyre; Constable of Dundie; Edzell; Quhittinghame; President; Comptroller; Justice Clerk; Advocate; Clerk of Register; Sir Alexander Drummond; Foistersait; Sir Petir Young; Sir Johne Arnot; Logy; Sir William Hart; Sir Michaell Elphinstoun.[1] Edinburgh, 18th July.

age 683.

The Lairds of Capringtoun, elder and younger, and the younger Laird of Leifnoreis, appearing, conform to the charge given to them (*supra*), and the King's Advocate having produced the whole probation led *hinc inde* by the said persons, the Lords find the convocation of the lieges in arms, the bearing of hagbuts and pistolets, and the reset of fugitives, clearly proved against George Craufurd, younger of Leifnoreis; for which he is delivered to Sir Robert Hepburne, lieutenant of the Guard, to be conveyed to ward in the castle of Blaknes. They also find the charges of convocation and of carrying fire-arms clearly proved against Cunynghame, apparent of Capringtoun; for which he is delivered to the bailies of Edinburgh, to be conveyed to ward in the castle of Edinburgh. Decree in the complaints between Cuningham of Capringtonand Crawford of Lefnoreis.

age 684.

Enrolments, on petition, of the following as undertakers for shares in the Plantation of Ulster:—James M'Culloch of Drummorell for 2000 acres,—George Murray of Bruchtoun becoming surety for him in £400 sterling; James Adamsoun, brother of Mr Williame Adamsoun of Graycrook, for 2000 acres,—Andro Hereot of Revilstoun becoming surety for him in £400 sterling; Johnne Broun in Gorgymylne, for 2000 acres,— More enrolments for shares in the Plantation of Ulster.

[1] In the corresponding list in the *Book of Sederunts* (Fol. 86, a) appears the Master of Elphinstoun.

Harie Aikman in Brumhous becoming surety for him in £400 sterling; Alexander Hepburne of Bangla, for 2000 acres,—Sir Robert Hepburne of Aulderstoun becoming his surety in £400 sterling; Mr James Watsoun, portioner of Sauchtoun, for 2000 acres,—Johne Watsoun, portioner of Sauchtoun, becoming his surety in £400 sterling; William Mowbray, son of Johnne Moubra of Croftangrie, for 2000 acres,—his said father becoming surety for him in £400 sterling. Acta 1609. (Jan.-July.) Page 685.

James Newton and others committed for rescuing Jonet Drysdale, accused of witchcraft, from the hands of the officer who was conveying her to ward.

Complaint by George, Earl of Dumbar, treasurer, and Sir Thomas Hammiltonn of Bynnie, advocate, for his Majesty's interest, as follows:—On 6th instant Jonet Drysdaill, servitrice to James Newtoun in Creichtoun, called Sir James, "being presentit in the kirk of Inneresk and dilaitit to the prisbiterie of Dalkeith thair convenit for the tyme as suspect of sorcerie, witchcraft, and lait murthour following thairupoun of ane Andro Michelsoun, sone to Johnne Michelsoun of Currie," was examined by the said presbytery in presence of Sir William Hairt of Prestoun, his Majesty's depute, and the bailies of the regality of Mussilburgh, who happened to be there at the time; "be whoise counsale [it] wes thocht meit and expedient that the said Jonet sould be committit to waird to abyd hir tryall, Page 686. and wes then appointit to be wairdit in the tolbuith of Mussilburgh." The said bailies of Mussilburgh, having accordingly been ordered to transport her to their tolbooth and detain her there till she should be brought for trial to Edinburgh, delivered her to that effect to James Wilsoun, their officer; but, while Wilsoun was on the high way with her, George Newtoun, messenger, the said Sir James Newtoun, Mr James Heislop in Creichtoun, his brother's son, and Merk Boiswell there, perforce took her from Wilsoun, and carried her to the town of Creichtoun, where they have detained her since. Farther, the said George Newtoun, on the following day, came from Mussilburgh to Creichtoun, of purpose to assault Mr William Penman, minister at Creichtoun. Finding him "at his awne house with his masonis," he "enterit with him in braging wordis," affirming that the said minister had accused him to the justice, and to Sir James Richardsoun, bailie, as guilty of deforcing said officer and taking and rescuing the said Jonet. The minister affirming this to be true, Newtoun laid his hand on his whinger, and said "gif he had him frome his hous he sould ding oute all the said Mr Williame's harnes." On hearing of this, the said Sir James Richardson had directed the bailies of the burgh of Mussilburgh to put Newtoun in ward; but Newtoun, on being charged to go to ward, refused to do so, affirming that he "wald know no man bot onlie the lyoun herauld."—Charge had been given to defenders, except Boiswell, to enter Jonet Drysdaill before the Council, and to answer for their Page 687. "insolence"; and now, both parties appearing, and defenders having entered the said Jonet, the Lords ordain defenders to be committed to ward in the tolbooth of Mussilburgh, and the said Jonet in the tolbooth of Edinburgh.

The Earl of Orknay, who had been committed to strait ward in the castle

Acta 1609. (Jan.–July.) Page 688.

of Edinburgh (*ante*, pp. 312–313), having "now gotten libertie to be at frie waird" in the said castle, Patrik, Lord Gray, and Waltir, Lord of Blantyre, become sureties for him in £20,000, that he shall keep ward there. Edinburgh, 19th July. Band for the Earl of Orkney.

In presence of James, Bishop of Orknay, the said Earl gives his great oath that he will not, under pain of perjury and infamy, escape furth of said castle till relieved by the Council. Edinburgh Castle, 20th July. Earl of Orkney

Sederunt—Chancellor; Mar; Wyntoun; Perth: Abircorne; Kinghorne; Bishop of St Androis; Bishop of Ros; Bishop of Orknay; Bishop of Brechin; Forbes; Lovat; Gray; Saltoun; Uchiltrie; Elphinstoun; Torphechin; Roxburgh; Master of Elphinstoun; President; Comptroller; Justice Clerk; Privy Seal; Advocate; Clerk of Register; Edzell; Constable of Dundie; Quhittinghame; Tungland; Bruntiland; Sir Alexander Drummond; Foistersait; Sir Petir Young; Mr Petir Rollok; Sir Johne Arnot; Sir Michaell Elphinstoun. Edinburgh, 20th July.

Sir David Carnegie of Kynnaird and William Bruce of Erllishall appear before the Council, and, taking the burden on them for themselves and their friends, submit all and sundry quarrels between them to the persons underwritten, or any two of them for either side:—Johnne Weymes, apparent of that Ilk, James Weymes of Bogy, Johnne Skrymgeour, apparent of Dudop, Aytoun of Dynmure, and Johnne Weymes of Craigtoun, as arbiters chosen by the Laird of Kynnaird; and Sir Johnne Bruce of Airth, Moncreif of that Ilk, Robert Durie of that Ilk, Andro Wood of Largo, and George Bruce of Carnok, as arbiters chosen by the Laird of Erlishall: in case of difference between these sets of arbiters, then to Alexander, Earl of Dunfermling, chancellor, as oversman. The said oversman and arbiters, being all present, except the Laird of Weymes, accept the submission, promise to give their decree by 10th November next, and appoint their first meeting to be in Edinburgh on 4th August next, when both parties are requested to give in their "grevis."—Both parties agree to fulfil the decree to be pronounced, without "appellatioun, reclamatioun, or agane-calling whatsumevir." Submission of the feud between Carnegy of Kinnaird and Bruce of Earlshall to arbitration.

Page 689.

Complaint by Finla Tailyeour and Johnne Thomesoun, bailies of the Cannogait, as follows:—A proclamation having been made on 30th May last through the common street of said burgh, in his Majesty's name, and in that of the Baron of Brochtoun, the immediate superior of said burgh, charging all the inhabitants to make their wapinschawing before the said bailies on 10th June last at 7 o'clock in the morning, each under the pain of £10, and Thomas Purdie of said burgh having been absent from the wapinschawing, the said bailies, accompanied by William Hunter, Archibald Cokburne, James Scheillis, and William Monargane, their officers, went on 12th June to Purdie's house to poind his goods for satisfaction of said Bailies of the Canongate against James Purdy, for deforcing them in the execution of their duty.

Page 690.

unlaw. But, at their entering, James Purdie, son of Thomas, "rascheit the dure" in their faces, "drew ane sword, with ane dager, and strak furth at the saidis bailleis throuch the schote and throuch the hoillis in the dure, quhill the saidis bailleis wer compellit be extremitie to entir at the said dure; at quhais entrie the said James eschewit."—Both parties appearing, the Lords ordain James Purdie to be committed to ward in the tolbooth of the Cannogait. Acta 1609. (Jan.–July.) Page 691.

The Comptroller against Forrester of Torwoodhead and others for destroying trees in the forest of Torwood.

Complaint by Sir James Hay of Kingask, comptroller, that Sir James Forrester of Torwoodheid, Alexander Forrester in Torwood, Donnald Urr in Carbrok, Thomas Nicoll in Bogend, Johnne Jarva in Larbarscheillis, and Thomas Bowye there, notwithstanding the Acts of Parliament, cut and destroy the best trees in his Majesty's forest of the Torwood, and "hes spoyled ane grite pairt of the said wood."—The Comptroller and the King's Advocate appearing for his Majesty's interest, and Sir James and Nicoll having neglected the charge to appear, but Jarva, Urr, and Bowy being present, and having admitted that they had cut a certain quantity of timber of the Torwood, by virtue of disposition of the same made to them by Sir James,—in proof of which they produce a letter of March last bearing that he had sold to Nicoll, Bowy, and Jarva the "haill treis within the new ward and auld mos, with fourtene treis within the Corblan dyk, with tua pair of syllis within the wood, and tua treis upoun the lawe wood dyke," and another letter, dated 2nd April last, bearing that he had sold them "twenty ane aik treis growand within the Blairis, with bark and beuch as they stand, togidder with uthir twa smaller treis," —the Lords find the said defenders to have done wrong in cutting the said timber inasmuch as Sir James had no power to sell it, and therefore ordain them to be committed to ward in the tolbooth of Edinburgh. The absent defenders are to be denounced rebels. Page 692. Page 693.

More enrolments for shares in the Plantation of Ulster.

Enrolments of the following for shares in the Plantation of Ulster: —Harie Stewart of Barskeming (on suit on his behalf by Andro, Lord Uchiltrie) for 2000 acres,—Lord Uchiltrie becoming surety for him in £400 sterling; Robert Stewart, uncle of said Lord, for 2000 acres, the said Lord becoming his surety in £400 sterling; Robert Stewart of Robertoun, 2000 acres,—William Stewart of Dunduff his surety in £400 sterling; Captain David Orrok, 2000 acres,—Lord Uchiltrie his surety in £400 sterling; William Stewart of Dunduff, 2000 acres,—Lord Uchiltrie his surety in £400 sterling; James Guidlett in Strabrok, 2000 acres,—Johnne Cunynghame of Rawis his surety in £400 sterling; Johnne Cunynghame of Rawis, 2000 acres,—James Guidlet of Strabrok his surety in £400 sterling; Robert Stewart in Edinburgh, 2000 acres,—William Stewart of Dunduff his surety in £400 sterling; Andro Wood, brother of Johnne Wood of Geilstoun, 2000 acres,—said Johnne his surety in £400 sterling; George Douglas of Sheill, 2000 acres ,—Douglas of Pumpherstoun his surety in £400 sterling; Robert Irwing at the mill of Cowy, 2000 acres,—Edward Johnestoun, younger, merchant in Edinburgh, his surety in £400 sterling; Thomas Purves in Bold, 1000 acres,—Johnne Page 694. Page 695.

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Purves, cordiner in Edinburgh, his surety in £200 sterling; Thomas Creichtoun of Brunstoun, 2000 acres,—Mr James Cunynghame of Montgrenane his surety in £400 sterling.—The form and wording are the same as in previous enrolments (*ante*, p. 300, p. 312, &c.).

Page 696.

Decree against Andrew and Mr Patrick Wardlaw for debt.

Action by Archibald Geddes, elder, merchant in Edinburgh, against Andro Wardlaw, elder of Torrie, and Mr Patrik Wardlaw of Pitgarno, his son, for remaining unrelaxed from a horning of 27th June last for not paying complainer 4000 merks as principal and £500 for expenses.—Pursuer appearing, defenders are to be apprehended for non-appearance.

Page 697.

Cunningham of Caprington and others against Crawford of Auchincors and others for divers acts of oppression and for levying black mail.

Complaint by Sir Thomas Hammiltoun of Bynnie for the King's interest, and by Johnne Bellindane in Papeichhill, Johne Broun in Schaw, Andro Lambie in Polquhayes, Johne M°Nath at the mill of Cumnok, Johnne Horner, Gilbert M°Raith in the Mains of Cumnok, Mathew Foirman, William Dumbar, Hew Stevin, Johnne Mar, Robert Lochart, notary at Cumnok, James Campbell, and William Cunynghame of Capringtoun for himself and as master of the forenamed, as follows:—In February 1608, William Craufurd, son of George Craufurd in Auchincors, and Johnne Carmichaell, servitor to said George, rebels, with others, all armed with hagbuts and pistolets and other weapons, came to the Laird of Capringtoun's lands of Cumnok, where the said Horner and M°Raith were ploughing, and there "cuitit the syde repis of thair horspleuchis, lowsit the same," and avowed to shoot both unless they gave them black maill; whereupon they paid them £20 for fear of their violence. The said rebels then came to M°Nacht at the mill of Cumnok, and likewise forced him "for feir and dredour" to give them £20. In March 1608 the said rebels came to the lands of Polquhoyis, where Lambie was at work; and he also, for safety of his life, was compelled to give them two bolls malt and three

Page 698.

bolls oats as black maill. Again, the said rebels, accompanied by said George Craufurd of Auchincors, William Carmichaell, son of William Carmichaell of Rownetrecors, and others, finding the said Johnne Broun on his own fields, gave him "divers bloodie woundis," and would have slain him if he had not given them £15 of black maill. They also violently reft from him a mare; which they kept till he gave them £20 more. On 18th May last, the said William Crawfurd and Johnne Carmichaell, rebels, came to the Laird of Caprington's lands of Brockloch, and poinded the whole goods on said lands; and on 24th May last they reft the goods on the said lands belonging to Gawin and his son in Lagloff, Patrik M°Cairny in , Robert Hammiltoun there, and George Thomesoun there, and withheld the same till the said persons were forced to give them £40 as black maill. Further, on , while Mathew Foirman, officer, accompanied by Williame Dumbar, Hew Stevin, and Johnne Mar, as witnesses, was affixing, at the instance of the Laird of Capringtoun, a precept of warning on the place of Auchincors against said George Craufurd, the said Craufurd sent furth 26 women, who would have "prosequute thame to the death with stanes" unless they had fled,—Lady Auchincors, and Katherine and Agnes, her daughters, and certain

of their tenants on horseback, assisting in the pursuit and invasion of the said officer and his witnesses. Again, on Sunday the , while the said officer and witnesses were in the kirkyard of Cumnok for executing said warning at the door of said kirk, said William Craufurd and Johnne Carmichaell, with fourteen others, hounded out by said George Craufurd, pursued them for their lives, chased them to the house of Johnne Gemmill, and thereafter, returning to the kirk, reft said warnings from Robert Lockhart, notary, who was reading the same; and on Sunday 7th May last said William Craufurd assaulted said Johnne Campbell, because he was one of the witnesses at the using of said warnings. Finally, the said two rebels daily carry hagbuts and pistolets, and continually invade the Laird of Caprington's tenants of his lands of Mugdok, intending to lay the same waste.—Charge had been given to George Craufurd of Auchincors, William Craufurd, his son, and Johnne Carmichael, to answer to this complaint; and now, Sir Thomas Hammiltoun and the Laird of Capringtoun appearing for the pursuers, defenders are to be denounced rebels for non-appearance. Acta 1609. (Jan.-July.) Page 699. Page 700.

Decree against John Campbell for debt.

Action by James Carmichaell of Pottieschaw against Johne Campbell of Kynnancleuch for remaining unrelaxed from a horning of 8th January 1608 for not paying complainer £400 as principal and £60 as expenses.—Pursuer appearing by William Sincler, defender is to be apprehended for non-compearance. Page 701.

Decree against Maxwell, fiar of Tealing, for debt.

Action by Harie Wood of Bonytoun, against Hew Maxwell, fiar of Teling, for remaining unrelaxed from a horning of 14th April 1599, executed against him by Hercules Guthrie in Pitslandlie, Andro Quhytburne, there, and Jonet Gibsoun, relict of Andro Neische, there, for not restoring to them the victual spuilzied from them, conform to a decree of the Council and Session dated 11th July 1598, and also for not paying to said Hercules the profits of the horse spuilzied from him, and for not paying to them £20 as expenses of plea and £5 of collector silver,—to which money and goods an assignation had been made to complainer on 23rd and 25th May last.—Pursuer appearing by Robert M'Ghie, decree as in last Act against defender. Page 702.

Decree against Wardlaw of Torrie and his son for debt.

Action by Henry Dick, in Bruntiland, and Sara Baverage, his spouse, against Andro Wardlaw of Torrie, and Mr Patrik Wardlaw of Pitgarno, his son, for remaining unrelaxed from a horning of 10th instant for not paying complainers 400 merks as principal and £60 for expenses.—Dick appearing, decree as in last Act against defenders. Page 703.

Donald Melville and others against George Strauchan and others for oppression and assault.

Complaint by the King's Advocate for his Majesty's interest, and by Donald Melvill, George Hunter, and Johnne in Panlethie, as follows:—On 9th instant George Strauchauchin of Skethin, Henry Mauld, younger, portioner of Easter Innerpeffer, David Crystie in Moss-end, William Wilkie in Skethin, Henry Tailyeour there, Johnne Burne there, George Cowtie, servitor to said George Strauchin, James Lamb, servitor to Henry Mauld, James Philp in Newtoun of Carmylie, Johnne Adam in the Goit, Johnne Marne in the Mylnetoun, William Kaird there, Andro Petir, and Johnne

cta 1609. an.–July.)

Petir, his son, at the Mill of Skethin, with others to the number of forty or fifty persons, all armed, and hounded out by Mr Andro Drummond, minister, learning that the complainers were after sunset that day to bring

age 704.

home peats and other fuel from Dilto Moss, waylaid them, set upon them, wounded all of them, and would have slain them "wer not be the providence of God throw speid of foote they eschaiped." The defenders then loosed their horses and chased them off, and cut the carts in small pieces. Again, on 10th instant, Strauchauchin, accompanied by said David Crystie, William Wilkie in Skethin, Johnne Burne, George Coutis, Andro Petir at the mill of Skethin, Johne Petir, his son, Johne Marne, Johnne Adam in the Goit, William Caird in Mylnetoun and James Philp in Newtoun, with convocation of the lieges, forgathering with said Donald Melvill while he was seeking his horse that had been driven away by the said persons the

'age 705.

preceding night, assaulted him and left him for dead.—Pursuers appearing personally, except Hunter (who appears by his master), and Nicoll Creichtoun in Innerpeffer, and Strauchin, Tailyeour, Burne, Crystie, Kaird, Lowsoun, Marne, Maull, Lamb, and Philp being also present, and the other defenders not appearing, the Lords ordain Strauchin to be committed to ward in the tolbooth of Edinburgh, assoilzie the other defenders present on their own oath of innocence, ordain Andro Petir to be denounced rebel, and excuse the absence of the other defenders.

'age 706.

Action by Mr Robert Boyd, son and heir of the late Mr James Boyd of Trochrig, against Helene and Jeane Kennedyis, oys and heirs of late Hew Kennedy of Barquhany, and Alexander M^cDowell, fiar of Machrymoir, spouse of said Helene, for remaining unrelaxed from a horning of 20th February 1604 for not fulfilling to complainer the articles of an obligation made by said Hew to said Mr James, dated 18th April 1573,—specially for not infefting and seising the complainer in the four merkland of Kirkiswoll under the reversion of 300 merks, and for not paying him £20 yearly since the date of said obligation.—Charge had been given to M^cDowell to answer; and now, pursuer appearing by George Lokhart,

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defender is to be apprehended for non-appearance.

Decree against Alexander MacDowall for non-fulfilment of an obligation.

Complaint by Katherine Hunter, relict, Mr Johnne Garvane, brother, and the fatherless bairns, of the late Hew Garvane, common clerk of Irwing, and by Quintene Rankine, messenger, for his interest, as follows: —Letters having been directed for apprehending William Montgomerie, writer, in default of his finding surety to answer before the justice for the slaughter of said Hew, said Quintene, on 19th June last, apprehended Montgomerie in Irwing "foiranent his awne dure," expecting no trouble in that matter. But Archibald George, pretended provost-depute of Irwing, William Mure and Johnne Barclay, bailies, Alexander Montgomerie, merchant, Adam Cunynghame, and Robert Kyle, burgesses, of Irwing, Johnne and Williame Montgomereis, sons of the bailie of Kilwyning,

Page 708.

and William Scot in Turnepyk, with others, all armed, assembled together by the ringing of the common bell, came to the house where Quintene had the said culprit in his keeping, and violently rescued him.—Mr Johne

Katherine Hunter against the bailies of Irvine for rescuing William Montgomery, her husband's murderer, from the officer's hands.

Garvane appearing, and declaring that this case was raised without his knowledge and that he would not insist in the pursuit, and Rankine being also present, and insisting in the pursuit for the offence done against his Majesty and him, and said Archibald George and William Montgomerie being likewise present, the Lords decern the said two defenders to enter before them the said William Montgomerie on 10th August, under pain of rebellion, and to find caution each in £500 to answer before the Council the said day. The absent defenders are to be denounced rebels. Acta 1609. (Jan.–July.) Page 709. Page 710.

James and George Strauchan against Robert Flesher and others for destroying the pursuer's corns. Decree of absolvitor.

Complaint by James Strachauchin of Carmylie and George Strauchauchin in Skethin that, on the night of the 8th instant, Robert Flescheoure of Haltoun of Innerpeffer, accompanied by Robert Flescheour, his son, David Melvill, Johnne Bell, William Marnie, William Sinclair, David Bennet, Johnne Sympsoun, Andro Makesoun, James Fauld, younger, William Richie, Thomas Fell, Johnne Bell, Johne Young, William Henrysoun, Nicoll Creichtoun, James Fauld, elder, Patrik Fauld, David Scot, William Butchart, James Kid, and Johnne Thomesoun, all tenants of said Robert, came armed, and with twenty-four horses and carts, to the complainers' lands of Crosden, Dustiedrum, Mureheidis, Auchler, and Cottertoun, and made a passage through the growing corns of the same, and that nightly during the last 20 or 30 nights they have repaired with their horses and carts through the said lands.—George Strauchin appearing, as also the defenders, the Lords assoilzie defenders, because the pursuers have failed in proof. Page 711.

Presbytery of Dalkeith discharged from proceedings against Geils Johnstone of Musselburgh, accused of witchcraft.

Complaint by Gelis Johnnstoun, relict of Johnne Duncane in Mussilburgh, as follows:—"Some malitious personis, hir unfreindis, haveing dilaitit hir to the prisbiterie of Dalkeith as a persone suspect of witchcraft, the said prisbiterie hes thairupoun convenit hir before thame, and hes haldin hir in proces before thame thir sevin oulkis bigane,—albeit it be of veritie that the said complenair is ane honnest woman, who hes levit thir threttie yeiris bigane in the toun of Mussilburgh in gude fame, credite, and reputatioun, and wes nevir suspected nor bruted with ony suche divelische and detestable doingis, and scho hes at all tymes presentit hirselff before the said prisbiterie quhan thay callit for hirselff to thair tryall, examinationis, and quhatsumevir forme of procedoure thay pleasit use aganis hir. And, althocht the cryme of witchcraft be ane of the heich pointis of the crowne, proper to be tryit before his Majesteis justice and his deputis, and quhairin the said prisbiterie can have no warrand, authoritie, nor jurisdictioun to cognosce or determine, nevirtheles thay continewalie fasche the said complenair with citationis and summondis to compeir before thame, purpoislie, as appeiris, to bring hir fame, credite, and reputatioun in questioun, and to lay upoun hir this foull and havie sclander of sa detestable a cryme, quhairof scho is most innocent. And, gif thay had ony presumptionis aganis the said complenair of hir guiltynes of the said cryme, thay sould have gevin informatioun thairof outhir to the lord of the regalitie quhair scho dwellis, before Page 712.

Acta 1609. (Jan.–July.)

quhome the said complenair hes found cautioun to be answerable for this same deid quhanevir scho salbe callit, or then to his Heynes justice generall and his deputis, and sould have concurrit be thair informatioun to the persute of hir, and sould not have usit suche a preposterous forme of proceiding before thameselffis, quhich can produce no kynd of sentence nor determinatioun. In respect quhairof the ministeris of the said prisbiterie aucht and sould be dischairgit of all proceiding aganis the said complenair in the mater abonewrittin."—Charge had been given to Mr Andro Blakhall, minister at Inveresk, Mr Patrik Turnour, minister at Borthuik, Mr William Penman, minister at Creichtoun, Nathaniell Harlaw, minister at Ormestoun, Mr Alexander Ambrois, minister at Newbottle, Mr Johnne Nymbill, minister at Cranstoun, and Mr George Ramsay, minister at Leswaid, all ministers of the presbytery of Dalkeith, convened in the kirk of Dalkeith, to answer to this complaint; and now, the

Page 713. pursuer appearing by William Duncane, her son, and defenders being also present, the Lords discharge the said ministers of all proceeding against pursuer, and remit her to be tried either by the justice-general or by the lord of the regality of Dunfermling, without prejudice, however, to the right of the said presbytery to use all means for discovery of her dealings and to give information thereof to the judge ordinary.

Mr Zachary Pont, minister in Caithness, against Francis Mudie for assault.

Complaint by Mr Zacharie Pount, minister at Boar in Caithness, and George Olipher in , as follows:—In September 1603, while Olipher, at the said minister's instance, was executing letters of inhibition on the parsonage and vicarage teinds of Wallis in Orknay, of which he is titular, Francis Mudie of Breeknes assaulted Olipher, and with a great

Page 714. baton gave him "mony bauch and bla straikis"; and, in October 1603, when the said Mr Zacharie was in a boatman's house in the Brumis of Wallis, ready to cross the ferry to Caithnes, Mudie first upbraided him, and then wounded him in the head with a drawn sword.—Mr Zacharie

Page 715. and defender both appearing, the Lords assoilzie Mudie on his own oath denying the libel.

Decree against Stewart of Craigyhall and Baillie of Lamington for debt.

Page 748. Action by Agnes Ros, daughter of late Thomas Ros, merchant, and by Mr Alexander King, advocate, and Mr Johnne Hairt, burgess of the Cannogait, her curators *ad lites*, against Hary Stewart of Cragyhall and William Baillie of Lamentoun, for remaining unrelaxed from hornings of 29th January 1608 and 9th March 1608 for not paying her 2000 merks.—

Page 749. Pursuers appearing by Archibald Douglas, defenders are to be apprehended for non-appearance.

Edinburgh, 25th July.

Page 715. *Sederunt*—Lovat; Saltoun; Bishop of Ros; President; Edzell; Kilsyth; Privy Seal; Justice Clerk; Master of Elphinstoun; Advocate; Logie; Sir Johne Arnot; Sir Robert Melvill, younger.

More enrolments for shares in the Plantation of Ulster.

Enrolments of the following persons for shares in the Plantation of

Page 716. Ulster:—Mr Robert Lindsay in Leith, for 2000 acres,—George Smailhome in Leith becoming surety for him in £400 sterling; George Smailhome in

Leith, 2000 acres,—Mr Robert Lindsay in Leith his surety in £400 sterling; Mr Jerome Lindsay in Leith (David Lindsay, keeper of tolbooth of Edinburgh, acting for him), 2000 acres,—said David his surety in £400 sterling; William Fouller, merchant, burgess of Edinburgh, 2000 acres,—Johne Inglis, skinner, burgess of Edinburgh, his surety in £400 sterling; Johnne Forres in Dirltoun, 2000 acres,—Waltir Ker of Cokilmylne his surety in £400 sterling; Waltir Ker of Cokilmylne, 1500 acres,—Johnne Forres in Dirltoun his surety in £300 sterling; William Forster in Leith, 1000 acres,—Johnne Forster in Edinburgh his surety in £200 sterling; David Borthuik, chamberlain of Newbotle (George Thorbrand, burgess of Edinburgh, acting for him), 2000 acres,—said George his surety in £400 sterling; Harie Achesoun in Edinburgh, 2000 acres,—Mr James Cunynghame of Montgrenane his surety in £400 sterling; Sir George Levingstoun of Ogilface, 2000 acres,—Johnne Craufurd of Beircroftis his surety in £400 sterling; Mr Timothie Pont, minister, 2000 acres,—Alexander Borthuik of Nether Laich his surety in £400 sterling; Johnne Bellindane, son of late Sir Lues Bellindane, justice clerk, 2000 acres,—Sir George Levingstoun of Ogilface his surety in £400 sterling; Johnne Craufurd of Beircroftis, 2000 acres,—Sir George Levingstoun of Ogilface his surety in £400 sterling; Claud Hammiltoun of Creichnes, 2000 acres,—Archibald Hammiltoun of Bairfute his surety in £400 sterling; James Melvill, son of Johnne Melvill of Raith, 2000 acres,—James Melvill of Fadniche his surety in £400 sterling; Alexander Cunynghame of Powtoun, 2000 acres,—George Murray of Brochtoun his surety in £400 sterling; William Douglas (Joseph Douglas of Pumpharstoun, his father, acting for him), 2000 acres,—said Joseph his surety in £400 sterling; Robert Craufurd of Possill, 2000 acres,—Johnne Montgomerie of Cokildie his surety in £400 sterling; Alexander Ramsay, brother of Thomas Ramsay of Balmonth, 2000 acres,— Meldrum of Segy his surety in £400 sterling; James Mure, portioner of Bothkenner, 2000 acres,—Cuthbert Cunynghame, provost of Dunbertane, his surety in £400 sterling; Mr Samuel M°Gill, burgess of Glasgow, 2000 acres,—Robert Gray, brother of Patrick, Lord Gray, his surety in £400 sterling; Johnne Dumbar of Avach, 2000 acres,—David Lindsay, keeper of the tolbooth of Edinburgh, his surety in £400 sterling; James Douglas of Clappertoun, 1000 acres,—George Douglas of Scheill his surety in £200 sterling; Thomas Marjoribankis, son of Thomas Marjoribankis of Ratho, 2000 acres,—Johnne Marjoribankis, apparent of Ratho, his surety in £400 sterling; Alexander Thorbrand, son of George Thorbrand, burgess of Edinburgh, 1500 acres,—said George his surety in £300 sterling; Harbert M°Clellane of Grogrie, 2000 acres,—George Murray of Brochtoun his surety in £400 sterling.

Acta 1609. (Jan.-July.)

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The kirk-session of Galston against Shaw of Sornbeg (Galston) for contravening the laws

Complaint by the ministers and session of the kirk of Gastoun, as follows:—Albeit the burying of dead bodies in any kirk of this kingdom is prohibited by law, and albeit Mr Alexander Wallace, minister at the said kirk, had dealt with Johnne Schaw of Sornebeg, desiring him not to contravene the laws by burying the corpse of Elizabeth Vaus, his spouse,

cta 1609. (an.–July). age 721.

within the said kirk, yet, on 9th August last, the said Johnne, accompanied by James Schaw, his brother, Johnne Ros in Dundryvand, his bailie, and others, all armed, came to the said kirk, broke up the door with hammers, made a grave in the kirk, and buried the body of his spouse there.—Wallace and Schaw appearing, and the latter having pleaded that he has already, conform to the ordinance of the session, made his repentance before the congregation for the said offence and paid £24 of penalty to the boxmaster of the kirk, and the minister having replied that Schaw, while publicly confessing, had refused to promise never to bury in the said kirk again, the Lords decern Schaw to make his repentance once more in presence of the congregation, and to give the required promise. They also rule that no person shall bury in the said kirk hereafter.

by burying his wife in the kirk of Galston.

'age 722.

Complaint by the King's Advocate for his Majesty's interest, and by Hectour Monro of Assint, as follows :—(1) In November last, Robert Monro of Tynninicht, accompanied by Andro Monro of Taynowair, and others to the number of ten, all armed with swords, gauntlets, platesleeves, bows, darlochs, dirks, targs, and with hagbuts and pistolets, came to complainer's "gangand pleuchis" on his lands of Assint, "cutit the solmes of the same pleuch," chased away his oxen, and assaulted his ploughmen. (2) In April last, said Robert, Robert Monro, apparent of Urquhart, and Andro Monro of Taynowair, with a convocation of four-score persons, all armed as above, "cutit in small pieceis the sommes" of three of his ploughs on said lands, chased away his oxen, and gave his ploughmen "mony bauch, bla, and bludy strykis." (3) The defenders foresaid, and Johnne Monro of Lymlair, George Monro of Tarrell, Hutcheoun Munro, son of William Monro, parson of Cullicuddin, almost every day of 1608 and this year have publicly carried hagbuts and pistolets, shooting at deer and wild fowls, and using the said arms in their quarrels.—Charge had been given to George Monro of Tarrell, Johnne Monro of Lymlair, Andro Monro of Taynowair, Hucheoun Monro, son of said parson, and Robert Monro, apparent of Urquhart, to answer; and now, both parties appearing, the Lords assoilzie Andro Monro of Taynowair from the first and second articles of the complaint, and also Robert Monro, apparent of Urquhart, from the second article, they having sworn their innocence in these articles, and said Robert having declared that by cutting the "solme of the pleuch" he was only making "civile interruptioun" to the said Hectour, who was labouring part of his father's heritage. The said Andro, having confessed to the "shooting of a hagbute in the persute of a wolff" and sometimes at fowls, and Monro of Lymlair, having admitted the bearing of hagbuts and pistolets this year, and the said Hutcheoun, having granted that in January last he wore hagbuts and pistolets, are ordered to keep ward in Edinburgh till they satisfy the Treasurer for these wrongs, each of them under the pain of £1000. The Lords further assign Tuesday next to Monro of Tarrell for producing two commissions alleged by him in answer to the third article of the complaint concerning him,—the one granted against M^cMurchie, "tincklair," and the

Munro of Assynt against Munro of Tininich and others for acts of oppression and for carrying fire-arms.

'age 723.

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other against the late William Ros and his accomplices,—in the execution whereof he confessed to having carried hagbuts and pistolets. Acta 1609. (Jan.–July.)

Edinburgh, 27th July.

Sederunt—Chancellor; Wyntoun; Perth; Kinghorne; Bishop of Ros; Forbes; Saltoun; Lovat; Torphechin; Roxburgh; Master of Elphingstoun; President; Justice Clerk; Privy Seal; Advocate; Clerk of Register; Edzell; Quhittinghame; Kilsyth; Foistersait; Logy; Sir Johnne Arnot.[1]

Commission to apprehend William Montgomery, fugitive.

As William Montgomerie, writer, not only remains unrelaxed from hornings of 11th and 12th July for art and part of the slaughter of Hew Garven, common clerk of Irwine, but, fearing the result of his trial, minds to go abroad, commission, passed under the signet and signed by the Chancellor, Earl of Wintoun, Earl of Kinghorne, and Arthur, Lord Forbes, is given to Robert Cunynghame of Auchinharvie, Johnne Fairlie of Langlandis, and Archibald Campbell in Clonharb, to apprehend him wherever found and enter him in the tolbooth of Edinburgh. Commissions, Fol. 36, b.

Minnon Hog against Fraser of Durris and Fraser of Muckall for oppression.

Complaint by the King's Advocate for his Majesty's interest, and by Minnone Hog in Blairedene, that in June last Alexander Fraser of Duris, accompanied by Thomas Fraser and George Grant, servitors to Andro Fraser of Muckall, with others to the number of 50, all armed with certain weapons, including hagbuts and pistolets, came to said Minnone's lodging in Abirdene and remained a long time about it, of purpose to slay him if he repaired furth thereof; also that, in June last, Andro Fraser of Muckillis, with others to the number of 60, all armed as above, assembled in the said burgh, searched for complainer, and, having forgathered with him, fiercely set upon him.—Charge had been given to the Lairds of Mukall and Duris to answer; and now, both parties appearing, the Lords assoilzie the defenders on their own oath of innocence. Acta 1609. (Jan.–July.) Page 725. Page 726.

Fraser of Muckall and Fraser of Durris against Gordon of Carnborrow and others for riot and tumult in Aberdeen.

Complaint by the King's Advocate for his Majesty's interest, and by Andro Fraser of Staniewood and Alexander Fraser of Durris, as follows:—On 6th July last, Adam Gordoun of Carnburrow, Patrik Gordoun of Geycht, Johnne Gordoun, called of Carnburrow, George Keyth of Clackcreach, William Keith, his brother, William Murray of Cowbardy, Monnane Hog, elder of Blaridryne, Robert Coutis of Wattirsone (Auchtercoull), Patrik Ros, apparent of Achlessin, George Chalmeris in Noith, Adam Gordoun of Geycht, Patrik Gordoun, apparent of Kincragy, Patrik Gordoun of Bountie, Patrik Sincler of Auchannochie, and William Cheyne, saddler, with others to the number of six score persons, all armed with certain weapons, including hagbuts and pistolets, came at night to the house of Robert Davidsoun in Abirdene, where the complainers were for the time, pressed violently to enter therein for their slaughter, and would have succeeded if they had not been stayed by some good people. The next day the defenders followed complainers with drawn swords and with Page 727.

[1] In the corresponding list in the *Book of Sederunts* (Fol. 87, a) Sir Alexander Drummond appears among the Councillors.

ta 1609. an.–July.)

"bend hagbuts and pistolletis" while they were repairing from the Newtown of Abirdene to the Auldtown, and would have slain them if they had not been stopped by the magistrates at the port of said burgh.—Pursuers appearing, and Adam and Johnne Gordonis, called of Carnburrow,

ge 728.

George Keyth, Minnane Hog, Robert Coutis, and Patrick Ros also appearing, but the other defenders failing to appear, the Lords find all the defenders guilty of the convocation foresaid for invasion of the complainers, and therefore decern Adam and Johnne Gordonis of Carneburrow, George Keyth, Minnane Hog, Robert Coutis, and Patrik Ros, to repair immediately to their lodgings in Edinburgh, and remain there till they satisfy the Treasurer for the said offence and find caution for the safety of the

ige 729.

complainers, each under pain of £1000. They ordain the other defenders to enter in ward in the tolbooth of Edinburgh, within 15 days after the charge, under pain of rebellion.

Decree against the Earls of Marischal and Morton for debt.

Action by Mr Thomas Halyburtoun, son of the late Sir George Halyburtoun of Pitcur, against George, Earl of Marchell, and William, Earl of Mortoun, for remaining unrelaxed from hornings of 8th and 12th June last for not paying complainer 7000 merks as principal and £200 of expenses.—

age 730.

Pursuer appearing by Archibald Douglas, defenders are to be apprehended for non-appearance.

Decree against James Mac-Kerich and others for non-removal from certain lands.

Action by Patrik, Lord Gray, against Johnne M^{c}Kerrich, Alexander M^{c}Henwick, Johnne M^{c}Nevie, William Stewart, David Stewart, and Johnne Stewart, *alias* Puliburne, tenants of complainer's lands of Balberok, Ardtullichlance, and Killibrochane, for remaining unrelaxed from a horning of 14th May 1606 for not removing from the said lands, with the woods, fishings, and pertinents of the same.—Pursuer appearing

'age 731.

by Archibald Douglas, decree against defenders as in last Act.

Decree against Finlayson of Killeith for debt.

Action by Johnne Mathesoun in Leith against Mathew Finlasoun of Killeith, for remaining unrelaxed from a horning of 23rd June last for not paying complainer 450 merks as principal and £40 for expenses.—Pursuer appearing by Archibald Douglas, decree as in last Act against defender.

?age 732.

Henry Livingstone against the bailies of the Canongate for wrongous imprisonment.

Complaint by Henry Levingstoun, merchant in the Cannogait, that the bailies thereof (for what reason he knows not) have committed him to ward in their tolbooth and mean to detain him there till he "condiscend" to sundry of their "unreasounable desyris."—Charge had been given to Johnne Thomesoun, one of the bailies, for himself and for the other bailies, to answer this day; and now, pursuer appearing by George Tod, but defender neither appearing nor having entered the complainer, the Lords ordain the bailies to release complainer, he first finding caution in 500 merks to answer before the said Lords on the first Council day of September to anything that the bailies have to lay to his charge.

Page 733.

Decree against Alexander Meldrum and James Horne for debt.

Action by Elizabeth Hay, relict and executrix of James Meldrum of Overhay, and George Meldrum, now her spouse, against Johnne Meldrum of Flures, James Horne in Cuschnie, and Alexander Meldrum in Auchmull, for remaining unrelaxed from a horning of 26th November 1606 for not paying complainer the prices of certain bolls of bear and meal; also

against Alexander Meldrum of Acherie for not fulfilling to complainers a contract passed between the said late Thomas and the said Alexander.—Charge had been given to Alexander Meldrum of Auchmull and James Horne to answer; and now, pursuers appearing by Archibald Douglas, defenders are to be apprehended for non-appearance. Acta 1609. (Jan.–July.) Page 734.

John Forrest against David Johnstone and Mr John Hay for wrongous imprisonment.

Complaint by Johnne Forrest, tailor, burgess of Edinburgh, that, on 22nd instant at midnight, David Johnnestoun, bailie, and Mr Johnne Hay, clerk depute, of said burgh, with others, violently entered complainer's house, took him out of his "naiked bed," and carried him to the tolbooth, where they "pat his craig and feit in the yrnis" and "held him thairin lyand upoun his bak all that day quhill aucht houris at nicht without meit or drink," and where they still detain him.—Both parties appearing, the Lords allow of the said punishment, and ordain farther punishment at the discretion of the magistrates, because the complainer was "accessorie to the awayganging of David Johnnstonis dochter." Page 735.

MacKenzie of Coigach against Donald Neilson for oppression and houghing cattle.

Complaint by Rory M'Kenzie of Cogach that, on 19th May last, Donald Neilsoun of Assint, with others to the number of sixteen, all armed with swords, bows, darlochs, dirks, and targes, came to complainer's lands of Locbanshas, demolished the shiells thereon, houghed threescore kye, cut the tails of horses, and violently assaulted the herds.—Pursuer appearing by Alexander Douglas, defender is to be denounced for non-appearance.

Barclay of Cullerny against the town of Falkland for trespass and molestation.

Complaint by Sir Thomas Hammiltoun of Bynnie for his Majesty's interest, and by David Barclay of Cullernie, heritable proprietor of the one half of the lands of Glashlie, that, on 20th May last, David Bowman, bailie of Falkland, Mr Johnne Averie there, Hectour Arnot there, George Balfour there, and Stephane Patirsoun there, with others to the number of eight score, armed with certain weapons, including hagbuts and pistolets, came to said Barclay's said lands, demolished the fold-dykes built by him within his marches, threatened his servants, and discharged a great number of hagbuts and pistolets, whereby the oxen ploughing were so afraid that they "ran away athorte the feildis and brak the haill pleughis and pleugh graith."—Both parties appearing, and the defenders having pleaded that, the said day having been appointed by the magistrates of Falkland to be a wapinschawing for the town, they were merely holding such wapinschawing, "without ony violence, hairme, or injurie done to ony persone," the Lords find that they did wrong in mustering "outwith thair awne toun," and in going about with unlawful arms, and ordain them to abstain from such behaviour in future. Page 736. Page 737.

William Ramsay, messenger, against Thomas Smith and others for deforcement.

Complaint by William Ramsay, messenger, that, on 6th June last, while he was employed by Thomas Wobster *alias* Spenzie in Balrudrie in executing, at the town of Nether Smythstoun, a precept of poinding directed by the commissary of Sanctandrois against Thomas Smyth in Foullis, for payment to Wobster of a certain sum, Smyth, accompanied by Thomas Andirsoun at the mill of Lundy, William Smyth, son of said Thomas, and David Hay in Foullis, with others, to the number of twenty-four persons, all armed, not only reft from him the goods poinded, but Page 738.

cta 1609. Jan.–July.)

"rashed him to the eard," pulled his "blasin with his Majesteis airmes thairin" off his breast, and cast it under their feet.—Charge had been given to defenders, except Andirsoun, to answer; and now, pursuer appearing, defenders are to be denounced for non-appearance.

Mr Patrick Lindsay against William Wood and others for divers acts of violence.

Complaint by the King's Advocate for his Majesty's interest, and by Mr Patrik Lindsay, brother of David Lindsay, elder of Vane, as follows: —(1) On 9th June 1605, Johnne Mitchell in Keremure, Johnne Frendraucht there, James Mitchell there, Johnne Andirsone, cordiner there, and Normand Ogilby, brother of Ogilby of Acharoch, all armed with certain weapons, including hagbuts and pistolets, came at night to the house of Johne Allane in Kerremure, where the complainer ordinarily

'age 739. lodged, and sought him for his slaughter through all parts of the house. (2) They came the day following to the house of Andro Lyn in Kerremure, where the complainer was for the time, and, "seing thay could not get entres thairin," avowed with "mony horrible aithis" to have his life. (3) On 26th July 1605, said Johnne Mitchell, forgathering with complainer on the High Street of Edinburgh, pursued him for his life with a drawn sword. (4) On 8th August last, William Wood of Thanstoun, Waltir Wood in Fettircarne, William Lindsay, son-in-law of said William Wood, and James Pyet, his servitor, with others, all armed as above, came to the house of David Mylne in Strathiewood, where the complainer was for the time, and besieged the house for his slaughter. (5) On 2nd September last, the said William and his accomplices wounded the complainer in the house of David Sorle in Fettircarne. (6) On Sunday 14th May last, the said William, with armed convocation, went to the kirk

Page 740. of Fettercarne, believing the complainer to be there, of purpose to slay him. (7) On 15th May last, the said William openly walked in the High Street of Brechin and appeared in the house of Katherine Donaldsoun with a pair of pistolets.—Charge had been given to said William Wood, William Lindsay, Waltir Wood, Mitchell, and Ogilvie, to answer; and now, pursuers appearing, defenders are to be denounced for non-appearance.

Protest for Alexander Dunbar and others.

Alexander Dumbar of Kilboyaik appears, for himself, and for Thomas Mylne at the mill of Kilboyak, Robert Mylne, his brother, David Falconer and James Norie, servants to said Thomas, and Arthour Findlay and James McKesok, servants to said Alexander, and produces a copy of the letters raised by Patrik Porterfield of Kilflet, charging them to answer this day for their alleged bringing of three score head of kye and oxen to his corn fields of Kilflet and holding them on

Page 741. said lands all that night. Porterfield failing to appear, Dumbar protests that the defenders shall not be held to answer farther in this matter till again warned; and the Lords admit the protest.

Sir Robert Arbuthnot of that Ilk against Wishart of Balfeich and others for acts of violence and oppression.

Complaint by the King's Advocate for his Majesty's interest, and by Sir Robert Arbuthnot of that Ilk, and Patrik Beatoun, his tenant of the lands of Convalie or Kirksyde, as follows:—On 24th September 1607, Mr James Wischart of Balfeich and others, armed with certain weapons, including pistolets, came to the Laird of Arbuthnot's lands of Cavellie and Kirksyde

and cut the tail from a horse belonging to his said tenant. On 23rd June last, said Mr James accompanied by George Wishert in Cannobie, Thomas Walker in Drumsleid, Johnne Skair in Newlandis, Archibald Rait in Tippertie, James Neilsoun, William Bellie there, Johnne Burne in Pittingardner, Robert Rait in Auchinbla, Alexander Walker in Abbaytoun, Adam Neill in Glenfarquhar, Alexander Crystie there, Henry Dysert in Denhous of Drumsled, Malcome Brane in Auchenblae, James Reid in Drumsled, and others, all armed with certain weapons, including hagbuts and pistolets, and hounded out by dame Jeane Douglas, Lady Pittarro, came to the Laird of Arbuthnot's lands of Portartoun, he then attending Parliament in Edinburgh, and demolished the fold dykes built thereon. On 28th June last the said Mr James, with George Wischert, his uncle, and the others foresaid, all armed, and hounded out as above, again cast down the ward dykes of the lands of Portartoun; and on 29th June at mid-day they repeated the offence.—Pursuers appearing, and said Mr James being also present, but none of the other defenders appearing, the Lords ordain said Mr James to be committed to ward in the castle of Edinburgh, in respect of his confession that he cut the horse's tail and had a pistolet at his belt on 28th June last. The absent defenders are to be denounced rebels for non-appearance. Acta 1609. (Jan.–July.) Page 742. Page 743.

More enrolments for shares in the Plantation of Ulster.

Enrolments of the following persons for shares in the Plantation of Ulster:—Robert Home of Blakhillis for 2000 acres,—Mr Johnne Home of Levanscheill becoming surety for him in £400 sterling; James Stewart of Rossyth, 2000 acres,—William Stewart of Dunduff his surety in £400 sterling; George Hammiltoun of East Bynnie, 2000 acres,—Mr Edward Merschaill, clerk of commissariat of Edinburgh, his surety in £400 sterling; Mr Johnne Finlasoun, apparent of Killeith, 2000 acres,—Johnne Dumbar of Avach his surety in £400 sterling; Johnne Johnnstoun, bailie of Water of Leith, 2000 acres,—Daniell Couttis in Dalrymylne his surety in £400 sterling; Robert Hammiltoun, son of late Gilbert Hammiltoun, 2000 acres,—Gawin Hammiltoun of Raploch his surety in £400 sterling. Page 744.

Act for tolls for repairing the Bridge of Lasswade.

The bridge of Leswade, which is the common passage from the south to the burgh of Edinburgh, being "now be storme of wodder and violence of watter verie fer decayit" as well in "the pend as in the puttis," the Lords grant commission for three years from the date hereof to Agnes Bannatyne, relict of James Bannatyne of Pendreich, to uplift the following tolls for passage of the bridge, to be used for repairing the bridge:—each footman 2d., each horseman 4d., each horse load and draught 4d., each ox or cow 4d., every ten sheep 4d., each pack of wool, skin, cloth, or other goods 8d., and each carted load 12d. Page 745.

Decree against Margaret Little and Duncan Cunningham for debt.

Action by Agnes Borthuik, relict of Mr Robert Wilkie, minister at Kilmarnok, against Margaret Little, daughter and heiress of the late William Litle, merchant in Edinburgh, and Duncane Cunynghame, her spouse, for remaining unrelaxed from a horning of 25th March last for not paying complainer 200 merks as principal and 40 merks of expenses.—Pursuer Page 746.

cta 1609. an.–July.) appearing by Alexander Douglas, defenders are to be apprehended for non-appearance.

Action by Andrew Philp, merchant in Edinburgh, against Sir George Douglas of Kirknes, for remaining unrelaxed from a horning of 21st June last for not paying complainer £150 as principal and £20 of expenses.— Pursuer appearing by Archibald Douglas, decree against defender as in last Act. Decree against Sir George Douglas of Kirkness for debt.

ige 747.

Sir Robert Arbuthnot of that Ilk appears before the Council, for himself, and for Patrick Betoun, his tenant, and gives in a copy of the letters raised by the King's Advocate, and by dame Jeane Douglas, Lady Pittarro, Mr James Wischert, her son, and Johnne Richie, their tenant, charging Arbuthnot and his said tenant to answer for the following wrongs done by the said Betoun and his accomplices at Arbuthnot's instance:—(1) coming on 24th September 1607 to the said Lady's lands of Balloquhan with hagbuts and pistolets, and there pursuing said Richie and Henry Hird for their lives, and cutting the tail from a horse belonging to Richie; (2) coming to her lands of Pittinggardner on , making "grite fowseis" thereon with spades, and damming the water on the same, thereby making the lands unprofitable; (3) coming to her lands of Newlandis on , and breaking down all the fold dykes thereof.—None of the pursuers appearing, Arbuthnot protests that he and his tenant shall not be held to answer farther till they are warned again; and the Lords admit the protest. Protest by Sir Robert Arbuthnot of that Ilk.

ge 748.

JACOBUS PRYMROIS.[1]

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ta 1609–10. ge 1. *Sederunt*—Chancellor; Treasurer[2]; Cassillis; Wyntoun; Wigtoun; Lotheane; Bishop of Ros; Forbes; Saltoun; Lovatt; Uchiltrie; Torphechin; Roxburgh; Blantyr; Halyruidhous; Master of Elphinstoun; John Prestoun of Pennycook, president; Sir James Hay of Kingas, comptroller; Sir John Cokburne of Ormistoun, justice clerk; Sir Thomas Hammiltoun of Bynnie, Edinburgh, 3rd August.

[1] Signature of the Clerk of Council, indicating that at this point he has come to an end of one volume of the minutes and that another is to begin.

[2] "About the end of Julie," writes Calderwood (vii. 48), "the Erle of Dumbar went to Dumfreis, where he held a justice court, and hanged a number of Border theeves, apprehended before by Sir William Cranston, Captan of the Guarde." The Earl must have been back from that expedition in time for the present meeting of Council. Of the energy of Treasurer Dunbar about this time in his office of Lieutenant or Supreme Commissioner over the late Borders (*ante*, vol. vii. Introd. lxxxiii.), there is proof in a letter from his colleague and rival Chancellor Dunfermline to the King. The Earl, this letter informs his Majesty, "has purgit the Borders of all the chiefest malefactors, robbers, and brigands, as were wont to reign and triumph there, as clean, and by as great wisdom and policy, as Hercules sometime is written to have purged Augeas the King of

advocate; Sir John Skene of Curryhill, clerk of register; Sir James Skrymgeour of Dudop; Sir William Levingstoun of Kilsyith; Sir Archibald Douglas of Whittinghame; Sir David Lindsay of Edzell; John Wemys of Myrecairny; Sir Alexander Drummond of Medoip; Mr Alexander Hay of Foistersaitt; Sir John Arnot, provost of Edinburgh; Sir William Hairt. Acta 1609–10.

Protest for Lord Forbes in the matter of the assurance between him and Irvine of Drum.

Arthour, Lord Forbes, appears, and intimates that he undertakes to answer in future only for Johnne Forbes of Logy, William Forbes of Milbuy, Patrik Forbes of Milbuy, and Robert Skene, called The Tutor of Skene, for such wrongs as may be committed hereafter against Alexander Irving of Drum, his brothers and friends, and protests that, if any of the said persons shall commit any offence against the Laird of Drum or any of his friends, his entry of the offender before the Council shall relieve him of all pain that he may incur on that account. The Lords admit the protest. Page 2.

William MacPhadrick to be denounced for resetting Thomas M'Alexander, at the horn for the murder of Kennedy of Culzean.

Complaint by James Kennedy of Culzeane that, in spite of the proclamations set furth during the last eight years against resetting Thomas Kennedy, Thomas M^c^Alexander, Thomas Wallace, and William Irwing, who are at the horn for the murder of Sir Thomas Kennedy of Culzeane, the complainer's father, yet William M^c^Phedrice, servitor to the Laird of Girvanmains, continually resets the said rebels in his house in Air. Thus, on 26th June 1608, when Johnne, Earl of Cassillis, and complainer, on being informed that M^c^Alexander was then in M^c^Phedrice's house in Air, were "upoun the feildis agaitward toward him," M^c^Phedrice, learning of their purpose, "lap on his horse," went secretly to the said house, disclosed to M^c^Alexander the "plat layd doun for his persute," and "horsit him on his awne horse and pat him away."—Pursuer appearing personally, defender is to be denounced for not appearing. Page 3.

Decree against Harper of Barleyth for debt.

Action by David Reid, advocate, against Robert Harper of Barleyth, for remaining unrelaxed from a horning of 29th August 1607 for not paying him 300 merks as principal and £40 of expenses.—Pursuer appearing by Archibald Douglas, defender is to be apprehended for not compearing. Page 4.

Decree against Adam, David, and Marion Veitch, for non-removal from certain lands.

Action by Mr Johne Elphingstoun, heritable feuar of the lands of Fechane, against Adam Vetche in Fechane, David Vetche, his son, and

Elide his escuries; and, by the cutting aff . . . the Laird of Tynwald, Maxwell, sundry Douglases, Johnstons, Jardines, Armstrangs, Beatisons, and sic others, *magni nominis luces*, in that broken parts, has rendered all those ways and passages betwixt your Majesty's kingdoms of Scotland and England as free and peaceable as Phœbus in auld times made free and open the ways to his awn oracle in Delphos, and to his Pythic plays and ceremonies, by the destruction of Phorbas and his Phlegians, all thieves, voleurs, bandsters, and throat-cutters. These parts are now, I can assure your Majesty, as lawful, as peaceable, and as quiet as any part in any civil kingdom in Christeanity" (Quoted in Chambers's *Domestic Annals of Scotland*, i. 423). One would have thought that, after the labours and severities in the Borders of the joint Commissioners for that region, and of their chief constable, Sir William Cranstoun (*ante*, vol. vii. Introd. lxxx.–lxxxiii.), little remained for the Earl of Dunbar to do; but, even after our present date, the old Border turbulence was to break out again spasmodically, and to require farther measures of repression.

Acta 1609-10. Marioun Vetche, spouse of James Dicksoun, for remaining unrelaxed from a horning of 21st July last for not removing from said lands of Fechane.
Page 5. —Pursuer appearing by Archibald Douglas, decree against defenders as in the last Act.

Decree against Douglas of Kilspindie for debt.

Action by Sir George Hay of Nether Lyff, gentleman of his Majesty's privy chamber, and Margaret Haliburtoun, his spouse, against Patrik Douglas of Kilspindie, for remaining unrelaxed from a horning of 18th July last for not paying complainers £1000 as principal and £100 of yearly interest thereon since the date of a contract made 4th February
Page 6. and 26th June 1606, with £100 of expenses.—Pursuer appearing by Archibald Douglas, defender is to be apprehended for not compearing.

John Munro of Foullis and others against Mr John Munro, minister at Tain, and others, for reif of cattle and assault.

Complaint by Johnne Monro, son and heir of the late Andro Monro, tutor of Foullis and donator to the ward of the lands of Foullis, and Johnne Monro of Lemlair, his tutor, and Andro Monro of Tenowair, possessor of a quarter of the lands of Mekle Alcas, as follows:—On 23rd June last, Mr Johnne Monro, minister at Tayne, Robert Monro, son and apparent heir of Hectour Monro of Assint, Hutcheoun Monro in Contullichie, Hectour Monro in Pitfur, William Monro, his brother, Alexander M°William M°Eane in Groude, Hucheoun M°William M°Murchie in Altone Downe, William M°Thomas M°William in Clynell, Alexander
Page 7. M°William Leslie in Strathoraill, Donald M°Allaster M°Ane in Knokan, Alexander M°Thomas M°Alie in Kilmachalmok, Johnne Denune in Assint, George M°Henderie, Neill Dow M°Neill, servitors to the said minister, Johne M°Donald Dow, Henry M°Neill, Johnne Fynour, Johnne M°Ane Dowyne, all in Achones, and Johnne Dow Beg in Carbistell, with others to the number of 100 persons, all armed with bows, darlochs, swords, targs, Lochaber axes, and hounded out by Hectour Monro of Assint, came to the complainers' lands of Alcas Mair, Alcas Beg, Linsat Mair, Linsat Croy, and Inveran, being part of the ward lands of Foulis, chased off the said lands some nine or ten score oxen belonging to the complainers, and violently hounded them "over grite craigis, heuchis, and in grite revairis and watteris, and athorte woodis and wildernesses," to the distance of twenty miles from the said lands, thereby barbarously slaying and away-putting sixteen oxen. They also laid violent hands on the herds and
Page 8. "left thame for deid."—Pursuers appearing personally, and Hectour Monro of Assint for himself and the other defenders, the Lords assoilzie all the defenders, because the pursuers have failed in their proof.

Order for the admission of Mr James Sheves, his Majesty's nominee, to the regency of philosophy in the Old College of St Andrews, if found duly qualified, and prohibiting the authorities of

"Forsamekle as, Mr William Weddirburne, who wes regent for philosophie in the Auld College of Sanctandrois, haveing alreddy or at least being of purpois to leave that place and to be plantit minister at the kirk of Pittinweyme, the King his Majestie, upoun repoirt and informatioun maid to his Heynes of the mony guid pairtis and of the verteous dispositioun of Mr James Sheves, and that he wes able and qualifeit to dischairge that place of regency, and willing to abyd quhatsumevir tryall ordinair in the lyke caissis, his Majestie wes pleased to recommend the said Mr James unto the Archibischop of Sanctandrois and remanent

the University from admitting any other to the office.

memberis of the Universitie of St Androis haveing vote in the electioun of the maisteris and regentis of the same, willing thame, upoun tryall of the said Mr James his sufficiencie for that chairge and place of regencie, to prefer him thairunto by utheris. And, althoucht his Majesteis letter of recommendatioun wes presentit unto Mr James Martyne, provest of the said Auld College of St Androis, and that the consent and allowance of the personis haveing vote in the electioun wes had to the tryall and admissioun of the said Mr James Sheves, nevirtheles the said Mr James Martyne, without all reverence or regaird to his Majesteis letter of recommendatioun, or to the ordour and directioun of the Act of Parliament maid anent the electioun of the memberis of the said Universitie, intendis most informalie and unlauchfullie to intrude a suster sone of his awne in the said place of regencie, and sua to violat and infring the ordour of the said Universitie, establischeđ, authorized, and approvin be consent of Parliament, without remeid be providit. Thairfore the Lordis of Secrite Counsale ordanis letters to be direct to command and charge the said Mr James Martyne, and remanent maisteris and regentis of the said Auld College, and utheris personis haveing voit in the electioun of the maisteris and regentis of the said Universitie, to convene, try and examine the qualificatioun, literature, and sufficiencie of the said Mr James Shevis, and, gif he be foundin able and qualifeit for that place of regencie within the said Auld College, that thay ressave, prefer, and ordane him thairunto within sex dayis nixt efter the chairge, undir the pane of rebellioun and putting of thame to the horne, or ellis that thay compeir personalie before the saidis Lordis upoun the sevintene day of August instant and schaw ane reasonable caus quhy the samyn sould not be done, with certificatioun to thame, and thay failyie, letters salbe direct chairgeing thame simpliciter to the effect foirsaid; and in the meantyme to command, chairge, and inhibite thame that thay on nawyse presome nor tak upoun hand to elect or chuse ony uther persone or personis to the said office of regencie, dischairgeing thame thairof and of thair officeis in that pairt." Acta 1609–10. Page 9.

Joseph Majoribanks, merchant in Edinburgh, against George Hamilton in Preston for molesting him in the possession of certain lands and houses and for wearing fire-arms.

Complaint by the King's Advocate for his Majesty's interest, and by Joseph Marjoribanks, merchant, burgess of Edinburgh, as follows:—The said Joseph having bought from George Hammiltoun in Prestoun certain lands and houses lying in the town of Prestoun, and having peaceably possessed the same these two years past, the said George, having in the meantime conceived grudge against him, "and invying hes virtew and the policie and planting that he hed maid about the saidis houssis," resolved "be bangastrie" to compel the complainer to give him "some new compositioun for his kyndnes." Hence, upon 29th July last, the said George, accompanied by Robert Wellis, dagmaker in Prestoun, both fully armed with weapons, and each having a pistolet in his hand, came to complainer's said house, waited a long time about his gates of purpose to have done him "some displeasour" if he had come furth, and at last sent in Johnne Hammiltoun in Prestoun "to trayne him out of his house gif possiblie he could." The said Johnne, however, being an honest man, forewarned complainer Page 10.

Acta 1609–10. of their purpose, and desired him to keep his lodgings. Thus disappointed, and knowing that complainer was to ride home to Edinburgh that night, defenders "dernit" themselves in a coalpit at the foot of Edge Buckling
Page 11. Brae; and, as soon as complainer came to the foot of the Brae, each of them, with a drawn sword in one hand and a "bend" pistolet in the other, pursued him for his life, "schouting and crying 'Tratour, licht!'"—Pursuers appearing, but neither Hammiltoun nor Wallace, the Lords find the libel
Page 12. proved, and ordain these to be charged to enter in ward in the tolbooth of Edinburgh, within six days after the charge, under pain of rebellion.

Munro of Tenovar against Munro of Assint for acts of oppression and for bearing fire-arms.

Complaint by the King's Advocate and by Andro Munro of Tenowair, as follows:—In September 1606, Hectour Monro of Assint, Robert Monro, his son, and others to the number of 24, armed with hagbuts and pistolets, and with bows, darlochs, swords, targes, and long axes, pursued complainer and his servants for their lives while they were coming home from the Laird of Foullis's woods of Lettir Weynes "with twenty-four horse and leidis of tymmer," took complainer captive, detained him as prisoner 4 hours, and left one of his servants, Donald M°Rorie, for dead. Afterwards with "lang treis" they "dang" complainer's horses, so that "efter the said dinging thrie of his horssis wroght nevir thairefter."
Page 13. Again, in November, December, and January last, the defenders, armed as above, came to complainer's feu lands of Fyris, part of his Majesty's property of the earldom of Ros, "and thair at sindrie tymes, haveing fyftene or sextene plewis everie tyme, raive in ane grite quantitie of the said complenairis landis, appropriating the same to his landis of Assint." Farther, the said Hectour Monro, Robert Monro, his son, Johne Denune, his servant, Johnne Sutherland, Donald M°Allaster V°Eane, Alexander M°Thomas V°Ane, Hectour M°George in Ferquhar in Groud, William, his brother, in Inveran, and others of the said Hectour's servants, have at divers times from 1605 to 1609 worn hagbuts and pistolets.—Charge had been given to Hectour Monro of Assint, Robert Monro, his son, and Hectour and William M°Georgeis, to answer; and now, both parties appearing, the Lords find the part of the libel touching the wearing of hagbuts and pistolets
Page 14. proved against the said Robert Monro, and order him to be committed to ward in the tolbooth of Edinburgh, but assoilzie the other defenders from the whole of the complaint, because the pursuers have failed in proof.

Decree against John Hamilton, fiar of Blair, for debt.

Action by Alexander Persone of the Wardmylne of Arbroith against Johnne Hammiltoun, fiar of Blair, for remaining unrelaxed from a horning of 17th March last for not paying him £408, 6s. 8d. and £160 of expenses.—Pursuer appearing by Archibald Douglas, defender is to be
Page 15. apprehended for non-compearance.

Dunbar of Conzie and others against John Lyn.

The 2nd November next assigned to Johnne Lyn, servitor to William Cuming, fiar of Erresyde, for answering before the Council to the complaint of Patrik Dumbar of Conzie, Alexander Dumbar of Culboyaik, his son, and Mr James Dundas, chantor of Murray, touching his shooting with hagbuts and pistolets. Cuming, who is present, promises to enter Lyn the said day.

Cumming, fiar of Ernside, and others, against Andro Smith and others.

The 2nd November next assigned to Andro Smyth in Windiehill, Johnne Tailyeour there, William Andirsoun there, Alexander Lang there, William Bruce there, Thomas Imlach there, Andro Andirsoun there, and Gilbert Smyth in Langcoit, for giving their oaths of verity before the Council in the matter of the complaint made against them by William Cuming, fiar of Ernesyde, and James Geddes, Thomas Duncane, and Johnne Arnot, his servants, for shooting arrows at Cuming's servants at his house of Eirnesyde, wounding them with swords, and demolishing his yard dyke of Eirnesyde. Mr James Dundas, chantor of Murray, master to the said persons, promises to enter them the said day. Acta 1609-10.

Certain persons denounced for not appearing as witnesses.

Order to denounce Johnne Steuart in Woodheid, Robert Mylne in Kilboyaik, Alexander Ros in Alter, James Andirsone in Windiehill, Thomas Wytt there, Archie Imlache there, James Bischop there, and Mr Patrik Reid there, for not appearing this day as charged to bear witness in the action pursued by the above-mentioned William Cuming and his servants against the above-mentioned Andro Smyth and his comrades. Page 16.

Umphra Jardine against the Captain of Crawford and others for attempts on his life and for bearing fire-arms.

Complaint by Sir Thomas Hammiltoun of Bynnie, for his Majesty's interest, and by Umphra Jerdane in Glencaple, tenant to Robert, Earl of Lotheane, of the said lands, as follows:—Johnne Carmichaell of Medowflat, captain of the castle of Craufurde, accompanied by Waltir Carmichaell, his brother, Johne Tinto in Southwood, William Carmichaell, servitor to said Captain, Robert Twedy in Nether Southwood, James Williamsoun, burgess in Craufurd, Lucas Wod, bailie, Johne Gibsoun there, Hew Carmichaell in Shoutcleuch, with others to the number of four score, all armed with hagbuts and pistolets and other weapons, came on 9th June last to the Kirktoun of Crawfurd-Lindsay, and to the lands of Glencaple, and there sought complainer for his slaughter. Again, on 11th June, being Sunday, the said defenders and others, to the number of 200, all armed as above, came to the parish kirk of Craufurd-Lindsay, where "the said Umphra Jerdane being thair at his ordinair paroche kirk, sitting in ane yle within the samyn, quhairof he had bene in possessioun thir aucht yeiris bigane, and being upoun his kneis at his prayeris, and Mr Williamsoun, minister at the said kirk, being in the pulpet saying the first prayer, and the said Umphrais bak being towardis the said Johnne his face, the said Johnne chairgit and bendit ane hagbute, presentit the samyn to the said Umphra his body, and, wer not that the said minister, seing the samyn and crying to the said Johnne Carmichaell from the pulpet gif he durst schote, cryed to the said Umphra aloud behind his bak that he wes schote, the said Johnne Carmichaell had not faillit to have cut him af from this naturall lyf."—Both parties appearing, the Lords find the said Johnne Carmichaell guilty of having worn hagbuts and pistolets as libelled, and therefore ordain him to be committed to ward in the castle of Edinburgh. Page 17. Page 18.

Decree against Sir Robert Crichton of Cluny and others for debt.

Action by James Pringle of Quhitbank, and Issobell Moffet, relict of James Sterling, advocate, and now spouse of said James, against Sir Robert Creichtoun of Cluny, as principal, and Sir David Hering of Glasterine and

ta 1609–10. James Skrymgeour of Fardill, as sureties, for remaining unrelaxed from a horning of 1st July last for not paying said James 700 merks as principal and £50 of expenses, and said Elizabeth 900 merks as principal and
ge 19. £100 of expenses.—Pursuers appearing by Archibald Douglas, defenders are to be apprehended for non-appearance.

derunts, l. 87, b. "A warrand past to Robert Maxwell to haif craig leive in the castell of Edinburgh upoun cautioun of x^m merkis." Robert Maxwell.

ta 1609–10. ge 19. *Sederunt*—Chancellor; Dumbar; Wigtoun; Lotheane; Bishop of Ros; Bishop of Orknay; Forbes; Uchiltrie; Saltoun; Lovat; Roxburgh; Torphechin; Blantyre; Halyruidhous; Master of Elphingstoun; Comptroller; President; Constable of Dundie; Edżell; Advocate; Kilsyth; Logy; Sir Alexander Drummond; Foistersait; Sir Johnne Arnot. Edinburgh, 4th August.

New Royal Proclamation against private feuds, with regrets that such are re-appearing, and regulations thereanent.

"As justice, the trew sinow and strenth of all good governament, being by God committed to the trust of the heighest poweris, that undir thame it micht be executed by suche whome thay held worthy and apt for the dischairge theirof, is in nothing more wronged than by the presumptioun of any private subject in preissing to tak revenge of injureis done to thame at thair awne handis, as gif the place and authoritie of a magistrat wer to no purpois, so in that detestable mounster of deidlie feid (ones verie
age 20. frequent and ryife in that kingdome, yit by the great extraordinaris panes tane in oure awne persone so utterlie removed and rooted out as thair wes none of any moment or consequence, bot all of thame aggreit and reconciled) so fer is oure royall authoritie impugned and misregairdit as justlie we can not bot hold these who will profes the beiring of ony suche grudge or evill will to be utter enemeis to oure crowne and estaite, denyaris of the sword of justice to be in oure handis, and otherwayis worse then beastis, that, haveing the law patent to thame aganis the guiltye, in thair unsatiable desyre of revenge, do seik and persew the lyveis of the innocent. And, becaus we ar informed that this weid begynnis to tak some freshe root, upoun occasionis fallin furth since oure depairture frome that kingdome, men disdaneing the benefite of law and ordinarie course of justice, and preising at their awne hand without appoyntment to be boith judgeis and hangmen, oure pleasour, will, and expres command is that, by publict proclamatioun, intimatioun be maid to all oure subjectis of that kingdome of oure just indignatioun and wraith conceaved aganis all suche as dar heirefter at any tyme presome to avow or persew deidlie feid, as being direct denyaris of oure royall authoritie and of the sword of power to be in oure handis; inhibiting and forbidding all oure subjectis, of quhat qualitie, rank, and degrie soevir thay be, as thay will answer at their heichest perrell, that thay do not attempt to beir querrell, feid, or grudge, with the mynd and intentioun of revenge and invaiding of any of oure dewtifull and law-byding subjectis, bot that, upoun occasioun ather justlie offerrit or by thame so presomed of the

guiltynes of any of oure subjectis for the slaucheter or murthour of any of Acta 1609 10.
there freindis, thay faill not within fourty dayis efter the committing of the deid to intent criminall persute aganis the knowen committer, or utherwyse suche utheris who ar presomed by thame to be guiltye of the fact. And whosoevir efter the said space expyred sall gif any schaw, taken, licklyhood, or appeirance of his still keiping and beiring of grudge aganis any pairtyis (who ather within that tyme being persewed is by law cleared, or then, unpersewit in the default of the pairtie, is in that regaird presomed to be innocent) salbe then callit and convened before oure Counsale as personis by quhome it is feared oure peace salbe brokin, and with quhome Page 21.
it is fit spedy ordour be taikin; and thay are then presentlie to be commandit ather to remove that suspitioun by reconciling with the pairtie whome it is presomed thay will be way of deid offend, or utherwyse thay ar then to be instantlie committed in strait waird, there to be keipit untill suche tyme as by there dew satisfactioun oure Counsell sall find oure peace sufficientlie providit for; and sall also, according to there discretionis, impose ane fyne upoun any suche pairty as sall remane refractare and obstinat in not yeilding to present reconciliatioun, in regaird of the tyme abonesaid overpast by thame without criminall persute aganis the pairty whome thay do challange and beir querrell at. Wherin we ar to assure all oure good and loving subjectis that we salbe so fer frome hindering the ordinarie course of justice aganis the offender as we do promeis to forbeir the granting of any remissionis or respittis without satisfactioun of the pairty. And, howsoevir, for the quietnes of the cuntrey and suirtie of oure peace and obedience, we ar pleased to injoyne to the pairteis greved ather a present persuit or reconciliatioun, yit, gif tyme suld thairefter discover the guiltynes of him with whome the uther is reconciled, it is heirby declaired that the foirsaid aggrement sall noway tak away the benefite of the persuite, bot that the pairty greved by ordinair course of law and justice (whiche salbe evir patent) may of new persew the guilty upoun his emergent and newlie discoverit evidences, providing he abstene frome all intending or doing of any thing that may trouble oure peace."—Connect with two Royal Letters to the Council of date 29th July 1609.

Charge for removing the feud between Lord Ochiltree and Lord Torthorwald.

The King and Council being minded to have the "grudge and evill will" between Lord Uchiltrie and Lord Torthorwall, with the Earl of Mortoun and Lord Douglas, removed, either by a "a spedy deu tryall and a criminall persute or then by reconsiliatioun," there is order to charge the Earl of Page 22.
Mortoun, Lord Douglas, and Lord Torthorwall, to appear, under pain of rebellion, before the Council on 10th instant, with a view to their reconciliation with Lord Uchiltrie, or to the appointment of a day for the trial of Lord Uchiltrie before the justice for his alleged concern in the slaughter of James, Lord Torthorwall, said Lord Torthorwall's father.—Connect with Royal Letter of 29th July.

Charge for removing the feud between the Earl of

His Majesty being informed of the "evill will and inimitie" borne by David, Earl of Craufurd, Sir Harie Lindsay of Kinfawnis, and Lindsay, his son and apparent heir, against Sir David Lindsay of Edzell,

Acta 1609-10. for the slaughter of Alexander, Lord of Spynie, whereof Edzell alleges that he is innocent, and his Highness having divers times, with little or no effect, recommended the Council to compel the said persons to pursue Sir David criminally or to be reconciled with him, order is given in this case exactly as in the last Act.—Connect with Royal Letter as above. Crawford and Lindsay of Edzell.

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"Anent the supplicatioun presentit to the Lordis of Secrite Counsale be the provest and bailleis of the burgh of Edinburgh: makand mentioun, that quhair, sen the Act and Ordinance set doun be the saidis Lordis that outlandis bread sould be sauld in the mercat of the said burgh without weght or constant and knowin price, bot at the will and discretioun of the sellair as micht best serve for his advantage and proffeit, the baxtairis fremen and burgessis of the burgh of Edinburgh pretending als grite libertie and fredome in the mercat of the said burgh as is grantit be the Lordis of Secrite Counsale to strangeairis, thay have lykwyse tane upoun thame to sell thair breid without weght or constant price at thair pleasour, sua that thair is a verie grite disordour and confusioun in the bread mercat, the heill bread presentit thairunto being unsufficient and deir, and his Majesteis leigeis verie fer abused,—whilk procuris daylie exclamationis aganis the saidis provest and bailleis, as gif thay wer cairles of the governament of the said burgh: And, quhanas the saidis provest and bailleis preassis to tak ordour with the baxtairis of the said burgh, the haill nychtbouris findis fault with thame for controlling of thame, quhenas strangerris, who beiris no burdyn in the said burgh, hes so grite libertie and previlege in the mercatis of the said burgh, and be this abuse in the mercatis of the burgh of Edinburgh the commoun cookis and ventenairis in the said burgh takis foure or fyve pennyis of proffeit for everie leaff thay sell to his Majesteis leigeis,—quhilk procuris a havie sclander to the said burgh, that suche a unreasonable derth sould be holdin up and foisterit within the same: And, quhenas the libertie of the saidis provest and bailleis seing and comptrolling of the mercatis of the said burgh wes in thair personis, as it wes in all tymes bigane preceiding the Lordis of Secrite Counsalis ordinance foirsaid, thair wes a verie grite cair tane everie mercat day in the bread mercat for trying of the weght, sufficiencie, and prices of all bread presentit to be sauld in the same, quhairby his Majesteis leigeis wer furneist with good bread and full weght at reasounable prices, quhairas now thay ressave unsufficient bread, wanting the ordinarie weght and at ane extraordinair price: Humelie desyring thairfore that thay micht be restorit to thair formar libertie of comptrolling of thair mercatis in maner undirwrittin, lyke as at mair lenth is contenit in the said supplicatioun.—Quhilk being red, hard, and considerit be the saidis Lordis, and thay being sufficientlie informed of the grite abuse and disordour that hes bene keipit and intertenyit within the said burgh mercat of Edinburgh this lang tyme bigane sen the making of the Act and Ordinance foirsaid, and that the breid presentit to the said mercat keipis nather the just wecht nor fynnes, quhairby his Majesteis subjectis ar verie fer interst and prejudgeit: Thairfore the saidis Lordis, upoun good advise and deliberatioun, hes restoirit and be the Act restoring to the magistrates of Edinburgh their old liberty of regulating and controlling the breadmarket of the burgh.

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tennour heirof restoris, the saidis provest and bailyeis of Edinburgh to thair formair libertie of comptrolling of thair mercatis and trying of the weght and prices of all sorte of bread presentit to be sauld within the samyn mercat, according to the libertie and priveledge which thay and thair predicessouris hes had in all tyme bigane past memorie of man; and ordanis this present Act to stand in full force and effect ay and quhill the saidis Lordis try and find ane abuse in the saidis provest and bailleis anent the executioun of thir presentis." Acta 1609-10.

Decree against the Laird of Garden for debt.

Action by Margaret Blaikwood, relict of Johnne Russell, merchant, burgess of Striveling, against Sir James Forrester of Garden, as principal, and Alexander Forrester, son of Johnne Forrester at the Kirk of Kippen, as surety, for remaining unrelaxed from a horning of 19th November 1608 for not paying her 600 merks as principal and £60 of expenses, and against said Sir James for not paying her £160, 2s. 8d. as principal and £20 of expenses.—Charge had been given to said Alexander to answer; and now, pursuer appearing by Archibald Douglas, defender is to be apprehended for non-compearance. Page 25.

Act dispensing with horning for civil causes against all Maxwells for a certain period, to allow them to appear before the Council for the benefit of the King's peace.

As sundry gentlemen of the name of Maxwell have refused to answer before the Council for their reset of Johnne, sometime Lord Maxwell, and for other offences, alleging for their excuse that, being denounced by divers persons for civil causes, they dare not compear before the Lords, therefore my Lord Lieuftenant [the Earl of Dunbar] and Lords of Privy Council, finding meet that the King's service and quieting of the country should be preferred to all private men's actions, dispense with all hornings executed against any of the name of Maxwell for any civil cause till 1st November next, to the effect they may answer before the Council before the said day for the "quieting of the estait of the cuntrey." Page 26.

More enrolments for shares in the Plantation of Ulster.

Enrolments of the following for shares in the plantation of Ulster:—Thomas Weir of Kirktoun, for 2000 acres,—Stevin Lokhart of Wicketschaw becoming surety for him in £400 sterling; Thomas Inglis, younger of Auldlistoun, 1000 acres,—James, Lord Torphechin, becoming surety for him in £200 sterling; James Tarbett, servitor to Alexander, Earl of Dunferneling, 1000 acres,—said Thomas Inglis his surety in £200 sterling; Alexander Lawder, son of William Lawder in Bethhavin, 2000 acres,—his said father his surety in £400 sterling; Stevin Lockhart of Wicketschaw, 2000 acres,—Thomas Weir of Kirktoun his surety in £400 sterling; Johnne Wilkie, burgess of Edinburgh, 2000 acres,—James Murray, burgess there, his surety in £400 sterling. Page 27. Page 28.

Tolbooth and prisons of Edinburgh.

Sir Johnne Arnot, provost, and Thomas Fisher and James Aikenhead, bailies, of Edinburgh, appear before the Council, and promise, in name of the town, to provide "sufficient tolbuithis and strong presone houssis" by Martinmas next year.

"Ane Act in favouris of the confynnit Marquess." Sederunts, Fol. 88, a.

Submission between Sir John Ker and Sir Robert Stewart.

"Submissioun betuix Sir Johnne Ker and Sir Robert Stewart:—To Coldenknowis, Sir William Cranstoun, and James Ker of Chatto, or ony twa, for Sir Johnne Ker; and to Andro Ker, bruther of the Erle of

Sederunts, Fol. 88, a.

Lotheane, Mr Samuel Cokburne, and Andro Ker of Yair, or ony tua of thame, for Sir Robert Stewart: to meit upoun Wednesday come aucht dayis."

"Ane Act anent the fyneing of Lochnoreis, young Caprintoun, and Bombie,—Lochnoreis to x^{m} merkis, Caprinton, v^{m} merkis, Bombie 3^{m} merkis." Crawford of Lochnoreis and others.

Acta 1609–10. Page 28.

The Lords ordain the decree of which the tenor follows, pronounced by Alexander, Earl of Dunfermling, chancellor, as oversman in the submission passed on 20th July last between Sir David Carnegy of Kynnaird and William Bruce of Erlishall, to be registered in the Books of Secret Council, so as to have the effect of an Act of Council:—The said oversman, having consulted with Johnne Weymes, apparent of that Ilk, Johnne Scrymgeour, apparent of Dudope, James Weymes of Bogy, Andro Aytoun of Denmure, and Johnne Weymes of Craigtoun, arbiters chosen for the Laird of Kynnaird, and with Sir Johnne Bruce of Airth, Robert Durie of that Ilk, Andro Wood of Largo, and George Bruce of Carnok, arbiters chosen for the Laird of Erlishall, and finding that their differences proceeded from "some little questioun betuix thame" anent the teinds of the lands of Brodland of Lewcharis, "pendiclis, pairtis, and haill pertinentis thairof, lyand within the parochyn of Lewcharis," which they had bought conjunctly from Mr William Scharp of Ballindoch, Robert Bruce of Pitlethie, and Helene Scharp, his spouse, decerns the said teinds, except the part thereof set in tack to Arthour Forbes of Rires, to be intromitted with by the said parties alternately, that is to say year about, during the years to run in their tack,—the Laird of Kynnaird to begin with this year's intromission; and, if at the expiry of their tack there be an odd year, so that one of the parties shall have one year's intromission more than the other, then the teinds of the odd year to be divided equally between the parties. Farther, each of the parties, in any year of his intromission with the teinds, shall relieve the other of the whole duties, stipends, and taxations that can be craved furth of the same that year. The dispute between the parties anent the marches of their lands is remitted to James Weymes of Bogy for the Laird of Kynnaird, and to Andro Wood of Largo for the Laird of Erlishall.—For confirmation of this agreement the Lairds of Kynnaird and Erlishall, and Robert Carnegy, brother of the former, and Bruce, servitor to the Laird of Erlishall, have "choippit handis togidder."—The decree is written by Laurence Keir, servitor to James Prymrois, clerk of Council, at Edinburgh, 5th August 1609. Edinburgh, 5th August. Registration of decree-arbitral pronounced by Chancellor Dunfermline between Carnegy of Kinnaird and Bruce of Earlshall.

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Sederunt—Chancellor; Dumbar; Mar; Wigtoun; Lotheane; Forbes; Saltoun; Ochiltrie; Lovat; Sanquhair; Bishop of Brechin; Roxburgh; Halyruidhous; Preses; Comptroller; Privy Seal; Justice Clerk; Advocate; Quhittinghame; Logy; Foistersait; Sir Johne Arnot; Sir William Hairt. Edinburgh, 8th August.

Order to the following persons, appearing before the Council, to remain

Caution required of certain Maxwells for keeping the peace and not resetting Lord Maxwell.

in Edinburgh till they find caution as follows to keep the King's peace and not to reset Lord Maxwell or any of the rebels denounced for assisting him:—Edward Maxwell of Tinwall 5000 merks; Johnne Maxwell of Conhaith 2000 merks; Maxwell of Logane 3000 merks; Maxwell of Hillis 5000 merks; Homer Maxwell of Carnesalloch 1000 merks; Edward Maxwell of the Yle 2000 merks; James Maxwell of Portrak, and Robert Maxwell, his son, 2000 merks each; Johne Maxwell of Kirkonnell 2000 merks; George Maxwell of Drumcolterane 1000 merks; Archibald Maxwell of Cowhill 2000 merks; Thomas Maxwell, brother of the Goodman of Logan, £500; Harbert Maxwell of Cavens, and Mr William Maxwell, apparent of Cavens, 1000 merks each. Acta 1609-10. Page 32.

Cuthbert Cunninghame.

Order to Cuthbert Cunynghame, notary in Drumfries, to keep ward in Edinburgh till he be freed by the Lords of Secret Council, under the pain of 1000 merks.

Edinburgh, 10th August.

Sederunt—Chancellor; Dumbar; Craufurd; Mar; Wigtoun; Perth; Lotheane; Tullibardin; Bishop of Glasgow; Bishop of Ros; Bishop of Brechin; Forbes; Saltoun; Uchiltrie; Elphinstoun; Lovat; Sanquhair; Torphechin; Roxburgh; Lowdoun; Scone; Blantyre; Halyruidhous; Master of Elphinstoun, Preses; Comptroller; Privy Seal; Justice Clerk; Advocate; Edzell; Dudop; Sir Alexander Drummond; Logy; Foistersait; Mr Petir Rollok; Balvaird; Kilsyth; Sir Johnne Arnot; Sir William Hairt.

The Earl of Crawford's suit against the Lindsays of Edzell for the slaughter of Lord Spynie.

David, Earl of Crawfurd, appearing, and Sir David Lindsay of Edzell, and Mr Alexander Lindsay, his son, also appearing, conform to the charge given to them, the said Earl, for himself and for Sir Harie Lindsay of Kinfawnis, takes 19th September next for his prosecution of the said Sir David and his son before the justice in the tolbooth of Edinburgh for art and part of the slaughter of Alexander, Lord of Spynie, and affirms the said Sir David to be guilty. The said Sir David and his son promise that in the said trial they will not "object the dependance of the actioun of improbatioun of certane missive letteris and writtis quhilk the said Erll intendis to use aganis thame as evidenceis," so that the course of justice may not be delayed. Page 33. Page 34.

In the suit of Lords Douglas and Torthorwald against Lord Ochiltree for art and part in the slaughter of late Lord Torthorwald.

James, Lord Torthorwall, and William, Lord Douglas, appearing, and Andro, Lord Stewart of Uchiltrie, also appearing, conform to the charge given to them, Lords Douglas and Torthorwall promise in presence of the Council to prosecute Lord Uchiltrie by 20th September next before his Majesty's justice in the tolbooth of Edinburgh for art and part in the slaughter of James, Lord Torthorwall, or then to be reconciled with him, according to his Majesty's proclamation (*ante*, p 343-344). Page 35.

Lord Forbes relieved out of ward and allowed to reset certain rebels.

The Lords free Arthour, Lord Forbes, out of his ward in the burgh of Edinburgh, notwithstanding the act of caution lately found by him to remain in the said burgh,—which act the Clerk of Council is ordered to

cta 1609-10. delete from the Books of Council; and, as Lord Forbes has undertaken to be answerable for Johnne Forbes of Logy, William and Patrik Forbessis of Milbuy and Robert Skene, called the Tutor of Skene (*ante*, p. 338), license is given to him to reset these persons, to the effect he may reduce them to a "civile form of living."

Caution by the Earl of Crawford.

age 36. Caution by David, Earl of Crawfurd, in £1000, to enter before the Council on 19th September next his servants Hary Rynd and Johnne Bannatyne, to answer to the complaint against them by William Foullertoun of Crago.

Act limiting Lord Forbes's undertaking for Forbes of Logy and other rebels.

On representation by Arthour, Lord Forbes, that, although, for eschewing of trouble between his friends on the one part and Alexander Irving of Drum and his friends on the other part, he became answerable for Johnne Forbes, called of Logy, William and Patrik Forbessis of Milbuy, and Robert Skene (*ante*, p. 338), he ought not to have to answer for them at the instance of other parties, the Lords concede this.

Reconciliation among the Maxwells.

Archibald Maxwell of Cowhill, Johne Maxwell of Conhaith, and Johnne Maxwell, brother natural of said Archibald, on the one part, and William

age 37. Maxwell of Kirkhouse, James Maxwell, his brother, Mr William Maxwell of Cavens, James Johnnstoun of Lochhous, and William Douglas, called the Copper, on the other part, appear before the Council, and, acting for themselves and their friends, renounce all feud or evil will between them for any cause preceding the date hereof,—especially for the slaughter of Maxwell, brother of the Laird of Cowhill,—provided always that the persons denounced for the said slaughter are not included in this agreement.

Decree against David Rollock for debt.

Action by Johne Williamsoun, sheriff and town clerk of the burgh of Striveling, against David Rollok, son and apparent heir of late David Rollok of Powis, for remaining unrelaxed from a horning of 30th June last for not paying complainer 1100 merks as principal and £100 of

age 38. expenses.—Pursuer appearing, defender is to be apprehended for non-compearance.

Quintin Rankine, messenger, against Alexander Montgomery and others.

Upon 20th July last, Archibald, George, and Alexander Montgomerie, burgesses of Irwing, had been ordained to enter before the Secret Council this day William Montgomerie, notary, whom they and others had taken from Quintene Rankene, messenger, while said Quintene was bringing him to answer before the justice for the slaughter of Hew Garvane, clerk of Irwing.—Rankene now appearing by Cunynghame of

age 39. Cunynghameheid, and Archibald, George, and Alexander Montgomerie appearing personally, the Lords ordain the said defenders to keep ward in Edinburgh till William Mure and Johne Barclay, bailies of Irwing, who are put to the horn for rescuing the said notary from Rankene, appear before the Council to answer for the said "insolence."

Decree against William Tyrie of Busbies for debt.

Action by William Craig, son of late Johnne Craig, tailor, burgess of Perth, against William Tyrie, for remaining unrelaxed from a horning of 3rd June last for not fulfilling a contract made at Perth 7th August 1602 between complainer, on the one part, and defender, and Elspet Gray, servitrix

to Thomas Nicoll, notary, burgess there, on the other part,—especially for not paying complainer 100 merks as principal and 40 merks of expenses.—Pursuer appearing personally, defender is to be apprehended for non-compearance. Acta 1609-10. Page 40.

Decree against George Ogilvy, burgess of Dundee, for debt.

Action by Mr David Kynloch, doctor of medicine, against Archibald Ogilvie of Grange, as principal, and George Ogilvie, merchant, burgess of Dundie, as surety, for remaining unrelaxed from a horning of 20th August 1607 for not paying complainer £200.—Charge had been given to George Ogilvie to answer; and now, pursuer appearing by Archibald Douglas, decree as in the last Act against defender for non-appearance. Page 41.

Decree against Mr David Ogilvy, fiar of Pitmews, for debt.

Action by James Dalzell, merchant, burgess of Edinburgh, against Mr David Ogilvy, fiar of Pitmewis, for remaining unrelaxed from a horning of 27th July last for not paying the complainer, as assignee to Sir Robert Crichtoun of Cluny, 611 merks 6s. 8d. as principal and £100 for expenses.—Pursuer appearing by Archibald Douglas, decree as in the last Act against defender. Page 42.

Decree against Sir George Elphinstone of Blythswood for debt.

Action by Robert Craufurd of Possill against Sir George Elphingstoun of Blythiswood, for remaining unrelaxed from hornings of 12th, 15th, and 17th June last for not paying complainer 6000 merks as principal and 600 merks of expenses.—Pursuer appearing, decree as in last Act against defender.

Kirkpatrick of Kirkmichael against Douglas of Drumlanrig and others.

The Lords continue the letters of suspension raised by William Kirkpatrik, younger of Kirkmichaell, against Sir James Douglas of Drumlangrig, James McCoull in Overgarrell, and Robert Glendoning, for themselves and for the other tenants of the lands of Overgarrell, till 2nd November next; of which Kirkpatrik, being present, and James Dowy, as appearing for Douglas, are warned. Page 43.

Wood of Largo and others against Lundy of that Ilk for assaulting the pursuers and bearing firearms.

Complaint by the King's Advocate for his Majesty's interest, and by Andro Wood of Largo, Andro Wod, his son and apparent heir, and Henry Makiesoun, their servitor, that, on 16th February last, James Lundy of that Ilk, Sir James Lundy, his uncle, with Andro Lundy, Umphra Lundy at Lundy-mill, James Lundy at Bacormo mill, James Edisoun and Thomas Playfeir, servants to the Laird of Lundy, and others, all armed with hagbuts and pistolets and other weapons, came, "undir a pretendit cullourit maner of hunting," to the place of Largo, and there offered great occasion of offence to the complainers; also that, on 17th February, the said defenders, accompanied by Monypenny of Pilrig, came riding on horseback to the place of Largo, and there fiercely "brak at" the Laird of Largo, younger, and Makiesoun, running at them "with all the speid of thair horsis and the pointis of thair lances and speiris," Playfeir and James Lundy at Balcormo-mill running Makiesoun "in at the oxter" and striking "him to the eird."—Both parties appearing, with the exception of Playfeir, the Lords ordain Lundy of that Ilk and James Lundy at Balcormok-mill to be committed to ward in the castle of Edinburgh, because they have confessed that on 16th February one of their number had a pistolet. They assoilzie Sir James Lundy, on his own oath of innocence. Page 44. Page 45.

Commissions, Vol. 37, b, 8, a, 38, b.

As James Hammiltoun of Evindaill, Hew Hammiltoun, his father's brother, William Murray, his servant, and Johnne Mure, younger in Plewland, remain unrelaxed from a horning executed against them on 16th April last by Grissell Cunynghame, relict of the late Johne Hammiltoun in Hallis, Alexander Hammiltoun, his son, Andro Hammiltoun, baxter, burgess of Edinburgh, and the other kin and friends of the said Johne Hammilton, and by the King's Advocate for his Majesty's interest, for not finding caution to answer before the justice for the murder of the said Johne, commission, passed under the signet, and subscribed by the Chancellor, Dumbar, and Wigtoun, is given to the sheriffs of Air, Drumfries, and Wigtoun, to the steward of Kirkcudbricht and bailie of Carrik, and to the provosts and bailies of burghs within the said bounds, to apprehend the said rebels and bring them before the justice.[1] Commission to apprehend James Hamilton and other rebels, accused of murder.

Sederunt—Chancellor; Dumbar; Wigtoun; Bishop of Glasgow; Bishop of Orknay; Scone; Blantyre; Halyruidhous; President; Comptroller; Justice Clerk; Privy Seal; Advocate; Clerk of Register; Kilsyth; Sir Johnne Arnot. Edinburgh, 11th August.

Acta 1609–10. Page 45.

Arthour, Lord Forbes, having taken upon him to answer for Johnne Forbes of Logy, William and Patrik Forbessis, and Robert Skene, Alexander Irving of Drum appears and declares that he renounces his commission for apprehending the said persons. Irvine of Drum and the Forbeses.

Sederunts, Vol. 88, b.

"A licence for mending of chymnay headis." Chimneys.

Warrant for relief of Niniane Chirnesyde, William Mossman, and Mathew Logan, furth of their wards. 12th August. Ninian Chirnside and two others.

Acta 1609–10. Page 46.

Sederunt—Chancellor; Saltoun; Bishop of Ros; Bishop of Orknay; Comptroller; Privy Seal; Advocate; Edzell; Kilsyth; Constable of Dundie; Mr Petir Rollok; Foistersait; Sir Johne Arnot. Edinburgh, 17th August.

Action by Sir Robert Bruce of Clakmannane against Andro Wardlaw, elder of Torrie, and Andro Wardlaw, fiar thereof, for remaining unrelaxed from a horning of 7th July last for not relieving the complainer, as cautioner for them at the hands of Sir Johnne Campbell of Calder, of payment of 11,000 merks as principal and 3000 merks of expenses, with 3150 merks of additional expenses. — Pursuer appearing by Archibald Douglas, defenders are to be apprehended for non-compearance. Decree against the Wardlaws of Torrie for debt.

Page 47.

Action by James Gordon, fiar of Newtoun, against the following persons for remaining unrelaxed from the following hornings:—Sir Alexander Fraser of Fraserburgh, Alexander Fraser, apparent thereof, Alexander Fraser of Forrest, George Crawfurd of Annachie, and Walter Fraser, Decree against Sir Alexander Fraser of Philorth and others for debt.

[1] In the *Book of Sederunts* (fol. 88, b) it is dated 11th August.

brother of said Sir Alexander, denounced on 21st January last for not paying complainer 3000 merks; and James Fentoun of Wester Ogill and William Lyoun in Nether Bagillo, denounced on 4th February last for not paying him £800 as principal, 400 merks for expenses, and £20 for each charge.—Pursuer appearing by David Crombie, there is decree as in the last Act against the defenders. Acta 1609-10. Page 48.

Decree against Tweedie of Drumelzear for debt.

Action by Thomas Lamb, messenger, against James Twedy of Drummelzair, for remaining unrelaxed from a horning of 24th July last for not paying him £300 as principal and £40 for expenses.—Pursuer appearing, decree as above against defender. Page 49.

Decree against the Earl of Crawford for debt.

Action by Peter Sandersoun, tailor, burgess of Edinburgh, against David, Earl of Crawfurd, for remaining unrelaxed from a horning of 24th June last for not paying him 8000 merks as principal, with the annualrent thereof. — Pursuer appearing, decree as above against defender. Page 50.

Decree against William Mowbray and William Drysdale for debt.

Action by Andro Downy in Coustoun against William Mowbray of Croftangrie, and William Drysdaill, maltman in Pitleirr, for remaining unrelaxed from a horning of 4th June 1608 for not paying complainer £175 as principal and £40 of expenses.—Pursuer appearing, decree as above against defenders.

Decree against the Earl of Crawford for debt.

Action by Jonat Watsoun, relict of Laurence Ferquhair, tailor in Edinburgh, against David, Earl of Crawfurd, for remaining unrelaxed from hornings of 4th and 5th instant last for not paying her 400 merks as principal and £40 for expenses.—Pursuer appearing by Mr William Ferquhair, her son, decree as above against defender. Page 51.

Decree against Crichton of Ruthvens for debt.

Action by Thomas Blak, his Majesty's servitor, against Sir James Creichtoun of Ruthvenis and Stephane Currour of Logiemeigill for remaining unrelaxed from a horning of 26th September 1607 for not paying complainer £100 sterling as principal and £20 sterling for expenses.—Pursuer appearing, decree against Crichtoun (alone cited) in manner foresaid. Page 52.

Decree against Wishart of that Ilk and others for debt.

Action by Robert Gairden, son of late David Gardyne of Leyis, against Peter Oliphant of Tuiringis, Johnne Wishart of that Ilk, Mr James Stewart, son-in-law of late Sir Thomas Lyoun of Auldbar, and Alexander Guthrie of Crechie, for remaining unrelaxed from a horning of 15th June last for not paying complainer 1000 merks each.—Defenders, except Oliphant, having been charged to answer, and pursuer appearing by Archibald Douglas, there is decree as above against said defenders for non-appearance. Page 53.

Commission to apprehend Thomas, William, and Gavin MacLellane, rebels.

As Thomas M°Clellane, son of Johne M°Clellane of Overla, William M°Clellane, called the Page, and Gawin M°Clellane, servitors to Sir Robert M°Clellane of Bomby, remain unrelaxed from a horning of 28th June last, executed against them by Mr William Maxwell of Cavens, and Edward Edzer, merchant in Edinburgh, for not entering in ward in the tolbooth of Edinburgh for the "insolence" committed by them on Maxwell and Edzer, as specified in a decree obtained before the Council on 8th June- Commissions, Fol. 38, b, and 39, a.

ommissions, ol. 38, b, and 9, a.

last commission, passed under the signet, and signed by the Chancellor, Lord Saltoune, and James, Bishop of Orkney, is given to Sir James Douglas of Drumlanrig and Greir of Lag to apprehend the said rebels and enter them before the Council.

cta 1609-10. age 53.

Sederunt—Chancellor; Perth; Wintoun; Lotheane; Tullibardin; Torphechin; Blantyre; President; Comptroller; Privy Seal; Advocate; Clerk of Register; Preistfeild; Foistersait; Mr Petir Rollok; Sir Johnne Arnot. Edinburgh, 31st August.

Decree against Ker of Fernihirst for not restoring certain teinds.

Action by Alexander, Earl of Home, against Sir Andro Ker of Phairnyhirst, Johnne Rutherfurd, tutor of Edzerstoun, Robert Frissell of Overtoun, and Thomas Rutherfurd of Hunthill, for remaining unrelaxed from a horning of 8th November 1608 for not restoring to complainer the

age 54. teind sheaves spuilyied by them, as specified in the letters of horning, and for not paying him the expenses also there specified.—Pursuer appearing by William Sincler, Ker (the only defender cited) is to be apprehended by the Captain of the Guard for not appearing.

Decree against Crichton of Cluny and others for debt.

Action by James Ramsay of Ardbegy against Sir Robert Crichtoun of Cluny, as principal, and Sir David Hering of Glasclune and James Skymgeour of Fardill, as sureties for him, for remaining unrelaxed from hornings of 14th and 20th June last for not paying complainer 4300

age 55. merks as principal and £500 for expenses.—Pursuer appearing by Archibald Foister, decree as above against defenders.

James Craw against the magistrates of Edinburgh for wrongous imprisonment.

Complaint by James Craw, "schethmaker" at the west port of Edinburgh, that, on instant, the provost and bailies of Edinburgh committed him to ward in their tolbooth, where they still wrongously

age 56. detain him, he having done no crime.—Charge had been given to Sir John Arnot, provost, and to Thomas Fischer and David Johnnstoun, bailies, to answer; and now, pursuer appearing by his procurator, and Arnot, and James Aikinheid, bailie, being also present, the Lords ordain defenders to release the pursuer, they having shown no cause why he ought to be detained in ward.

Mr John Johnstone, advocate, and his servitor, against Johnstone of Howgill and others for molestation and threats with fire-arms.

Complaint by Sir Thomas Hammiltoun of Bynnie, King's Advocate, and by Mr Johnne Johnnstoun, advocate, and Waltir Johnnstoun, his servitor, as follows:—On 19th instant Johnne Johnestoun of Howgill, William, Johnne, Gilbert, James, Robert, and Archibald Johnnstonis, his sons, George and Johne Johnnstonis, sons of said William, Gilbert Johnnstoun of Aikyknow, Robert Johnnestoun of Kirkhill, James, William, and Symond Johnnstonis, his sons, Johnne Johnnstoun in Helbekis, James

age 57. and Francie Johnnestonis, his brothers, Alexander Johnnstoun in Thornhill, David Grahame in Wamphra Gait, and Symond Grahame, servitor to Robert Johnnstoun of Kirkhill, with others to the number of 30, all armed, came to the twenty shilling land of , called the Mylne, belonging to complainers, conform to the rights made to them by George Johnnstoun of Corheid, and there, while complainers were receiving

possession of the said lands from said George Johnnstoun, violently removed their mowers furth of the meadows, "presentit hagbutis and pistolletis unto the said Waltir and to the saidis maweris with horrible aithis."—Pursuers appearing, defenders to be denounced for not appearing. Acta 1609–10. Page 58.

Decree against William Cunningham for debt.

Action by James Dalzell, merchant, burgess of Edinburgh, against James Johnnstoun of Westraw, and Williame Cunynghame, tutor of Bonytoun, for remaining unrelaxed from hornings of 5th and 29th July last for not paying complainer 1000 merks as principal and 100 merks for expenses.—Pursuer appearing by Archibald Douglas, Cunynghame (alone cited) is to be apprehended for non-compearance. Page 59.

Decrees against Henry Wilson and Patrick Seill for debt.

Action by Andro Measoun, skinner, burgess of Perth, against the following for remaining unrelaxed from the following hornings:—Henry Wilsoun, burgess of Perth, as cautioner for David Donnaldsoun, burgess there, denounced on 10th July last for not paying complainer 100 merks as principal and £40 for expenses; Patrick Seill, cautioner for Gilbert Stratoun, merchant, burgess there, denounced on 22nd June last for not paying complainer 200 merks as principal and £20 for expenses.—Pursuer appearing by Archibald Douglas, decree against Wilsoun and Seill as above. Page 60.

Decree against the Earl of Crawford and others for remaining at the horn.

Action by William Fullertoun of that Ilk against the following persons for remaining unrelaxed from the following hornings:—David, Earl of Craufurd, denounced on 23rd and 29th July last for not paying the complainer 800 merks as principal and 200 merks for expenses, and for not finding caution for his indemnity under the pain of 10,000 merks; Hary Rynd, Johnne Bannatyne, servitors to said Earl, and William Rynd, son of late Richard Rynd in Fainow, denounced on 29th July last for not entering in ward in the tolbooth of Edinburgh, to be punished for their "insolence" to the complainer.—Charge had been given to the Earl, Bannatyne, and William Rynd to answer; and now, pursuer appearing by Archibald Douglas, there is decree as above against defenders. Pages 61 and 62.

Charles Lauder and Nicol Lorimer against Francis Wilkison and others for violence.

Complaint by Chairlis Lawder, bailie depute of the bailiary of Lawderdaill, and Nicoll Lorymair, servitor to Johnne, Lord of Thirlstane, as follows:—Raulf Erskin, portioner of Dryburgh, having conceived malice against the said bailie for having gone to Erskin's house of Nether Scheilfeild on 17th July last to execute letters of caption against him for not paying to Andro Mar in Galtounsyde certain sums of money, the said Raulf, on Sunday 30th July last, accompanied by Johnne Erskin, his son, Frances Wilkesoun, commissary clerk of Lawder, Nicoll Auldcorne, servitor to said Raulf, Alexander Wilkesoun, younger in Lauder, William Pringle at the west port of Lawder, with others, all armed, came in a "tumultuous" manner to the kirk of Lawder, which is not their parish kirk; where, the said bailie having, conform to his office, laid hands on Raulf as he was walking braggingly in the kirkyard, Raulf and his said accomplices assaulted him with drawn swords, and gave Nicoll Lorymair, who was assisting him, two deadly wounds in the back.—Charge had been given to Francis Wilkesoun, William Pringle, and Alexander Wilkiesone, to Page 63.

Acta 1609-10. answer; and now, both parties appearing, the Lords find the complaint proven against Francis and ordain him to be warded in the tolbooth of Edinburgh, but assoilzie the other defenders because the pursuers have failed in proof.

Decree against Alexander Home for debt.

Action by Thomas Colstoun in Nesbitt against Alexander Horne of Over Boltoun for remaining unrelaxed from a horning of 12th instant for not paying him £100 as principal and 53s. 4d. for expenses, as specified
Page 64. in a decree recovered by the complainer against him before the principal sheriff depute of Edinburgh.—Pursuer appearing by William Gill, defender is to be apprehended for not appearing.

John MacMath against William Crichton and others for assault.

Complaint by Johne M°Math in Corsbank, that, on 28th May last, while he was returning from the town of Sanquhar to his own house, William Creichtoun, tutor of Carco, and Robert Creichtoun, son of Johnne Creichtoun of Craufurdtoun, hounded out by the said Johnne, pursued
Page 65. him with drawn swords and wounded him in the left hand.—Pursuer appearing, and said Johnne Creichtoun being also present, but the other defenders failing to appear, the Lords find the complaint proven against the absent defenders, and therefore order them to enter in ward in the
Page 66. tolbooth of Edinburgh within six days after the charge, under pain of rebellion, but assoilzie the said Johnne on his own oath of innocence.

Mr Andrew Wilson, town clerk of Burntisland, against John Boyd and others for lying at the horn for divers causes.

Action by Mr Andro Wilsoun, common clerk of the burgh of Bruntiland, and Marie Boyd, his spouse, against the following for lying at the following hornings:—Johne Boyd of Bollinschaw, denounced on 1st March 1608 for not fulfilling to pursuers an obligation dated 29th January 1605; George Barroun of Kynnaird and William Kirkaldy of Grange, denounced on 22nd and 29th April 1608 for not paying the said Mr Andro 2100 merks as principal and £300 for expenses, and also an annualrent of two chalders and seven bolls of victual ("viz. 28 bollis beir with the cheritie and 11 bollis quhyte with the cheritie") for all years due since a contract of 26th and 28th March 1605; Thomas Boyd of Bedlay, Alexander Cunynghame of Corshill, Mr James Cunynghame of Montgrenane, William Cunynghame of Clonbaith, and James Blair of that Ilk, denounced on 14th October 1608 for not paying pursuers an annual-
Page 67. rent of 250 merks for the term of Whitsunday 1605 and for all years resting owing.—Charge had been given to said George Barroun, William Kirkcaldy, and Johnne Boyd, to answer; and now, pursuers appearing by Robert Bonnar, defenders are to be apprehended for not compearing.

Decree against Lord Herries for debt.

Action by Thomas Adinstoun, merchant, burgess of Edinburgh, against Johnne, Lord Hereis, for remaining unrelexed from hornings of 20th April and 15th July 1608 for not relieving complainer, at the hands of Mathew
Page 68. Craufurd, cordiner, burgess of Edinburgh, of £1000 as principal and 200 merks for expenses, and for not relieving him at the hands of William Dick, merchant there, of £1000 as principal and £100 for expenses; also, for not paying complainers £2329, 16s. 3d. as principal and £200 for expenses.—Pursuer appearing by Archibald Douglas, decree as above against defender.

CROYDON PUBLIC LIBRARIES CENTRAL

Sir Andrew Hamilton admitted of Council.

Sir Andro Hammiltoun of Reidhous, according to his Majesty's warrant, is received as a member of the Council, and gives his oath.[1]—See Royal Letter of 20th August 1609. Acta 1609-10. Page 69.

Hamilton of Lekprewick and Crawford of Ferme.

Some "variance," having lately fallen out between Hammiltoun of Likprevik and Craufurd of Ferme, there is order to charge both to find caution for each other's indemnity, under the pain of 3000 merks each.

Election of provosts in burghs.

Although by an Act of Parliament of June last it is ordained that no person be elected provost or bailie in any burgh unless he be one of the "trafficquing burgessis and tradismen actuallie resident," yet the inhabitants of some burghs "intendis this present yeir and heirefter to mak choise of strangeairis to beir office and reull amangis thame," according to the old custom. There is therefore order to charge provosts, bailies, councillors, and others having vote in the election of magistrates, to proceed to the election of their magistrates at the ordinary times, conform to the said Act, under pain of rebellion. Page 70.

Commission to apprehend George Hamilton and Robert Wallace.

As George Hammyltoun, younger in Prestoun, and Robert Wallace, dagmaker there, remain unrelaxed from a horning of 17th instant, at the instance of Josephe Marjoribankis, merchant, burgess of Edinburgh, for not entering in ward in the tolbooth thereof for the crime of pursuit of the said Josephe and for bearing hagbuts and pistolets, as by decree of Council on 3rd instant, commission, passed under the signet, and signed by the Chancellor, Wintoun, and the Bishop of Ros, is given to the Captain and the Lieutenant of the Guard to apprehend them and enter them before the Council. Commissions, Fol. 39, a.

"A commissioun past to the Lord Garleis, the sheriff of Wigtoun, and uthers, to tak Muris." Sederunts, Fol. 89, a.

A missive to Sir William Cranstoun and the commissioners of the middle shires anent the teinds of Reidkirk.—See the Council's letter of this date among the *Royal and Other Letters.*

Edinburgh, 14th September.

Sederunt—Chancellor; Wyntoun; Home; Perth; Tullibardin; Saltoun; Torphechin; Roxburgh; Halyruidhouse; Blantyre; Comptroller; President; Justice Clerk; Privy Seal; Edzell; Advocate; Clerk of Register; Mr Petir Rollok; Sir Robert Melvill, younger; Sir Andro Hammiltoun; Sir Lues Craig; Sir William Hart. Acta 1609-10. Page 70.

Decree against George Douglas and others for not finding law-burrows.

Action by George Douglas of Freirschaw against George Douglas in Freirschaw, Robert Douglas, his brother, and Johne Douglas, called Jok the Bastard, for remaining unrelaxed from a horning of 17th August last for not finding caution for the complainer's indemnity.—Pursuer appear- Page 71.

[1] This Sir Andrew Hamilton of Redhouse was the second son of Sir Thomas Hamilton of Priestfield, and brother of Lord Advocate Hamilton. He had been an ordinary Lord of Session since June 1608.

Acta 1609-10. ing by Archibald Douglas, defenders are to be apprehended for non-appearance.

Action by Mr Robert Stevin, schoolmaster, against Johnne Robertsoun, burgess of Edinburgh, for remaining unrelaxed from a horning of 19th July last for not paying him 200 merks as principal and £30 of expenses. Decree against John Robertson, burgess of Edinburgh, for debt.

Page 72. —Pursuer appearing by Robert Logane, decree as above against defender.

Action by William Wallace, tailor, burgess of Edinburgh, against Sir James Scot of Abbotishall, for remaining unrelaxed from a horning of 16th July 1608 for not paying him 300 merks.—Pursuer appearing by Archi- Decree against Scott of Abbotshall for debt.

Page 73. bald Douglas, decree as above against defender.

Action by William Johnstoun, bailie of Inverurie, Johnne Johnnstoun there, William Johnnstoun, his son, William Fergus, burgess there, William Johnestoun, son of Robert Johnnstoun, and William Banyenoch, burgess there, against James Arbuthnot, apparent of Lentusche, for remaining unrelaxed from a horning of 24th June 1606 for not finding caution for Decre eagainst James Arbuthnot of Lentush for not finding lawburrows.

Page 74. their indemnity.—Pursuers appearing by Mr James King, decree as above against defender.

Action by Isobell Sibbald, relict of Mr George Boiswell, rector of the kirk of Auchterdery, against David Sibbald of Lethame, for remaining unrelaxed from a horning of 10th July last for not delivering to her yearly since 22nd September 1601, the date of his obligation, 40 bolls of victual, two thirds meal and one third bear, or else paying her £8 for each boll.— Decree against David Sibbald for debt.

Page 75. Pursuer appearing by Archibald Douglas, decree as above against defender.

Action by Johnne Murray, younger, merchant, burgess of Edinburgh, against George Merser of the Linktoun of Abbotishall, for remaining unrelaxed from a horning of 13th July last for not relieving complainer of his caution for George Sandirsoun, tailor, burgess of Edinburgh, for payment of 400 merks as principal and £50 of expenses, at the hands of Agnes Boyis, relict of William Vaus, burgess of Edinburgh, and said Sandirsoun, and for not paying the complainer 300 merks for expenses Decree against George Merser for debt and non-relief of a cautioner.

Page 76. over and above the relief foresaid.—Pursuer appearing personally, decree as above against defender.

Action by Johnne Grahame of Killerne against Sir James Skrymgeour of Dudop, James Twedy of Drummelyair, and Thomas Lyell of Murchill, for remaining unrelaxed from hornings of 5th, 8th, 11th, and 13th July last for not paying complainer, as assignee to Sir Robert Grahame of Innermay, 10,000 merks as principal and 2000 merks for expenses.—Pursuer Decree against the Constable of Dundee and others for debt.

Page 77. appearing by Edward Kello, decree as above against defenders.

On the humble suit of Cristopher Alexander, burgess of Striveling, in the name of Robert Alexander, his son, said Robert is enrolled for 1000 acres in the Plantation of Ulster,—said Cristopher becoming surety for him in £200 sterling. Robert Alexander enrolled for the Plantation of Ulster.

Action by Thomas Patirsoun, merchant, burgess of Edinburgh, against Mr David Ogilbie, fiar of Petmeweis, for remaining unrelaxed from a horning of 6th July last for not paying him (1) £1128, (2) 4000 merks, Decree against Mr David Ogilvy for debt.

(3) 208 merks.—Pursuer appearing personally, defender is to be apprehended for not compearing. Acta 1609–10. Page 78.

Tacksmen of the Customs against David Crawford, bailie of Ayr, for wrongously imprisoning one of them.

Complaint by Mr Frances Boithwall, Mr Thomas Barclay, and David Fergushill, for themselves and the other tacksmen of this kingdom, that, on 28th August last, immediately after the said Fergushill, late provost of Page 79. Air, had executed, at the market cross of said burgh, his Majesty's letters setting to the complainers the impost on wines and the whole customs, David Craufurd, one of the bailies of said burgh, out of malice at complainers for having taken the said customs, came to him and "efter a most bitter and scornfull maner first cryit him *bo, carle! bo, carle!*" avowing that the customs would not "go the gait thay ar going," and afterwards caused an officer lay hands on Fergushill and commit him to the tolbooth of the burgh, where he is still detained.—Pursuers appearing, but not defender, the Lords find the complaint proven, and ordain the entry of defender in the tolbooth of Edinburgh on a charge of six days.

Sir John Skene against Thomas Finlayson, printer of the *Regiam Majestatem.*

Complaint by Sir Johnne Skene, Clerk of Register, as follows:—"The Page 80 antient lawis and constitutionis of this kingdome, quhairby the antiquitie thairof and the politique governament of the same undir the famous and worthie princes who fra tyme to tyme governit thairin micht be best knowin, being thir mony yeiris bigane suppressit in this kingdome, and verie few recordis thairof extant, the said Sir Johnne Skene, movit with a speciall consideratioun of the honnour, credite, and reputatioun of his native cuntrey, interprisit the reduceing and collectioun of the saidis lawis in ane volume; and, efter grite panes, travell, and labouris, the said Sir Johnne hes brocht that work to ane good perfectioun, and hes set the same out in twa volumes, the one in Latyne for the use and benefite of strangearis, and the uther in Scottishe langauge for the use of the subjectis of the cuntrey. And, haveing put the saidis volumes to the presse upoun speciall conditioun and appunctuament past betuix him and Thomas Finlasoun, prynter, quhome the said Sir Johnne imployed in that worke and unto quhome he hes gevin dew and full satisfactioun in everie thing conditioned betuix thame, and the said Thomas haveing outred and perfyted the Scottische volume and being obleist to deliver the same to the said Sir Johnne, he, upoun some frivole consait and apprehensioun of his owne, without ony warrand of law or pretence of reasoun, maliciouslie refuissis to deliver to the said Sir Johne the saidis volumes, bot schiftis and delayis him fra tyme to tyme with foolische and impertinent excuissis, to the said Sir Johnnes havie hurt and prejudice."—Both parties appearing personally, the Lords ordain Fynlasoun to deliver by Page 81. this day eight days to Skene "the said Scottish volume in the full nomber thairof," according to the contract made between them, because the defender has shown no reasonable cause to the contrary; and they nominate Mr Johnne Prestoun of Pennycuke, president of the College of Justice, Sir Thomas Hammiltoun, advocate, and Mr George Young, or any two of them, to audit the accounts of the said parties and "put thame to ane rest."

Complaint by George Tod, writer in Edinburgh, as follows:—On 14th

Acta 1609–10. August last, Helene Muld, spouse of Andro Burgh, tailor in the Cannogait, came, at command of her said husband, to the complainer's house outside the Nether Bow, during complainer's absence, and entered "in ane dissimulat maner, allegeing that scho wes desyrous to speik with the said complenair." As he was absent, "scho past throw the hall to ane chamber quhair the said complenairis haill writtis, with sindrie uther evidentis of grite importance pertening to sindrie gentilmen his cliantis of quhom he had the credite and custodie, [were]; quhair scho callit for ane drink, and said that scho wald abyde the said complenairis incuming; and, howsone scho spyit the chaimer quiet, scho enterit to ane bowell ambery fixit in the wall, being oppin for the tyme, quhair the samyn writtis wer, and thair maist maliciouslie rave, cancellat, and distroyit the haill writtis and evidentis being thairintill, to the said complenairis utter wraik and discredite."—Pursuer appearing, defenders are to be denounced for not appearing.

George Tod, writer, against Andrew Burgh and his spouse for maliciously destroying title-deeds.

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Commissions, Fol. 40, a. It having pleased God "to visite the toun of Kinghorne laitlie with the contagious seiknes of the pest," and the magistrates of the said toun having "committit the chairge of the clangeing of the personis and houssis infectit to Patrick M^cGubane and Elizabeth Grot, clengeris in Kinghorne," these persons, "preferring thair unsatiable and avaritious desyre of gayne to the dischairge of thair dewtie," and "thinking by the increscе and continewance of that seiknes to mak thair commoditie and proffeit," for that purpose "took the wyndinscheit of ane man who depairtit this lyff of that seiknes, cutit the same wyndinscheit in peiceis, sparsallit the same throu the toun; quhairupoun forder infectioun, with the death of some personis, followit." As, for this "detestable cryme, cleirlie confessit be thame," they are now lying in ward in the tolbooth of Kinghorne, commission is given to the bailies of Kinghorne to hold a justice court, put the said persons to the knowledge of assize, and minister justice accordingly. The commission is passed under the signet, and is signed by the Chancellor, Wintoun, Tullibardin, Saltoun, and Roxburgh.

Commission for the trial of Patrick MacGubban and Elizabeth Grote, accused of wilfully spreading the plague in Kinghorn.

Fol. 40, b, and 41, a. As Johnne Sutherland in Millarie remains unrelaxed from a horning of 27th February last, at the instance of Angus Cannochsoun in Berriedaill, and of George, Earl of Caithnes, his master, for his interest, for not finding caution to underlie the laws before the justice for stealing nine kye belonging to the said Angus furth of the lands of Berridaill, commission, passed under the signet, and signed by the Chancellor, Wintoun, Tullibardin, Saltoun, and Roxburgh, is given to the sheriff of Invernes, George, Earl of Caithnes, and Johnne, Earl of Sutherland, to apprehend the said rebel and enter him before the justice.

Commission to apprehend John Sutherland.

Sederunts, Fol. 89, b. A missive to the King in favour of Ninian M^cMorane.—See the letter among the *Royal and Other Letters* of this date.

Acta 1609–10. Page 82. *Sederunt*—Chancellor; Lynlithqu; Lotheane; Bishop of Glasgow; Edinburgh, 28th September.[1]

[1] In the interval between this and the last dated meeting of Council there had been the formalities of two important trials in the tolbooth of Edinburgh before Justice Depute

Bishop of Ros; Bishop of the Isles; Sanquhair; Torphechin; Halyruidhous; President; Comptroller; Privy Seal; Advocate; Clerk of Register; Edzell; Quhittinghame; Preistfeild; Foistersait; Kilsyth; Sir Alexander Drummond; Sir Johnne Arnot; Sir Lues Craig. Acta 1609-10. Page 83.

Mr John Preston nominated to supply the Chancellor's place in his absence.

As Alexander, Earl of Dunfermling, "is to repair to Court for some necessar occasionis of his Majesteis service," the Lords of Council, "being cairfull that in his absence the ordinair Counsale dayis be preceislie keipit, and that some speciall persone of judgement, knowledge, and experience be appointit to proceid and to supplie the Chancellairis place in convening of the Counsale and speiring of the voitis," nominate Mr Johnne Prestoun of Pennycuke, president of the college of justice, for that duty.

Magistrates of Linlithgow against David Livingstone and others for attempting to raise a tumult in the burgh.

Complaint by the bailies of the burgh of Linlithgow, as follows:—On 6th August last, David Levingstoun, son of the late Johnne Levingstoun of Bredlaw, having sent "ane infamous libell and cartale to Alexander Levingstoun, younger of West Quarter, for appealing him to the combat," and the challenge having been delivered to William Dalzell, servitor to Alexander, Earl of Linlithqu, at the gate of Linlithqu Palace, the said David, thereby conceiving malice against Dalzell, assaulted him between the palace and the burgh, and mutilated him; for which the complainers committed him to ward in their tolbooth. Whereupon, Andro Levingstoun, his brother, Thomas Drummond, brother of Sir William Drummond of Richardtoun, Johnne Drummond, son of late James Drummond in Falkirk, Johnne Weir, sometime servant to Johnne Carmichaell of Podoschaw, James Drummond, merchant, burgess of Linlithqu, and Johnne Hammiltoun, "meilmaker" there, with others, came all armed to the tolbooth door, struck at it long with fore-hammers, and would have broken in had they not been stayed by "some good people." Farther, on 13th instant, the said David having been freed on finding caution to answer before the said bailies when required, and that he and his said assisters would not repair to the said burgh till he had been called for his entry, the said persons came in a bragging manner to the market cross of the burgh, offering provocation to the said Earl's servants, and refused to retire to their lodging at the command of the said bailies.—Robert Stewart, George Page 84.

Mr Alexander Colville.—On the 19th of September, Sir David Lindsay of Edzell, and his son Mr Alexander Lindsay of Cauterland, had appeared in Court to stand their trial for their alleged concern in the famous slaughter of Lord Spynie four years before. As the Earl of Crawford, to whom the 6th of September had been appointed, by his own consent, for the pursuit of the accused on the said charge, had made no appearance, the accused, while avowing their innocence, protested that they should not be troubled farther in the matter, and "thereupone askit instrumentis."—On the following day, 20th September, there was a similar appearance in court of Lord Ochiltree, and his servant Andrew Stewart, to stand trial for their alleged concern in the slaughter of Lord Torthorwald. By Act of Council of the 10th August this 20th of September had been assigned to Lord Douglas and the present Lord Torthorwald as the last day on which they could prosecute; and, no appearance having yet been made in their behalf, Lord Ochiltree and his servant, after avowing their innocence and taking instruments, also departed from the bar.—See the two trials in Pitcairn, iii. 61–68.

Acta 1609-10. Cornell, Gilbert Mure, and Andro Mylne, bailies, appearing, and passing from the prosecution of all the defenders except David and Andro Levingston, and these two being also present, and submitting themselves to the
Page 85. will of the said Earl and bailies for the "insolence" foresaid, the Lords ordain them to be committed to ward in the tolbooth of Edinburgh, and detained till they are transported at the said Earl's warrant to ward in the palace or tolbooth of Linlithqu, where they are to be kept till freed by the said Earl and bailies.

Decree against Mr George Orme for debt.

Action by Captain David Orrok in Leith against Mr George Orme, brother of late David Orme of Mugdrum, for remaining unrelaxed from a horning of 26th July last for not paying complainer 900 merks.—Pursuer
Page 86. appearing, defender is to be apprehended for not appearing.

Decree against Martin of Cardon for debt.

Action by Grissell Gall (Gaw), relict of David Allerdice of Skeddowie, and now spouse of Henry Mowbray, younger of Seyfield, and by her said spouse, against George Martyn of Cardone, for remaining unrelaxed from a horning of 5th December last for not paying them an annualrent of 40
Page 87. merks, conform to a decree of 19th February 1591.—Pursuers appearing by Johnne Ritchie, decree as above against defender.

Decree against Sir George Home for debt.

Action by William Carnegy, skinner in Edinburgh, against Sir George Home of Broxmouth, for remaining unrelaxed from a horning of 22nd August last for not paying him 200 merks as principal and £10 for penalty.—Pursuer appearing by Archibald Douglas, decree as above
Page 88. against the defender.

Decree against Scrymgeour of Fordel and Heron of Lethindy for debt.

Action by Mr Laurence M^cGill, advocate, against the following persons for remaining unrelaxed from the following hornings:—James Skrymgeour of Fordill, denounced on 5th November 1607 for not paying the yearly due of £8, 12s. 11d. for the time between 1585 and Whitsunday 1607 for the teind sheaves of Fordhill, part of the patrimony of the bishopric of Dunkeld, belonging to the complainer as part of the half pension which he has furth of the said bishopric; and Sir Robert Creichtoun of Cluny, Sir David Hering of Lethintie, and James Skrymgeour of Fardill, denounced on 19th July last for not paying pursuer 2500 merks as principal and £200 for expenses.—Charge had
Page 89. been given to the last two defenders to answer; and now, pursuer appearing by Archibald Douglas, decree as above against them.

Decree against George Herries for not relieving his cautioner.

Action by Robert Crystie, merchant, burgess of Edinburgh, against George Herreis of Terrachtie, for remaining unrelaxed from a horning of 4th October 1606 for not relieving complainer, as cautioner for him at the hands of Archibald Hammiltoun, servitor to Mr William Scot of Elie, of payment of 100 merks as principal, £10 "as failyie," and 50 merks as
Page 90. expenses.—Pursuer appearing by Archibald Douglas, decree as above against defender.

Mr Robert Hunter, minister, against George Irving and others for

Complaint by Sir Thomas Hammiltoun for the King's interest, and by Mr Robert Hunter, minister at Sanquhar, as follows:—On Sunday 3rd instant, Mr Robert having, at the command of Johnne, Archibishop of Glasgow, repaired to the kirk of Kirkpatrik Flemeing in Annander-

riotous conduct and the use of fire-arms.

daill, to minister to the parishioners thereof "according as it sould have pleasit God of his mercie to have movit him," as soon as he had entered the kirkyard of the said kirk, George Irving of Woodhous, violent possessor of the teinds of the said kirk, fearing to be removed from further melling with the said teinds, came, armed with certain weapons, and straitly forbade complainer to "teitch" the said day, or "he sould let him sie a sicht that sould gar a cold sweit go over his hairt." Accordingly, "in the verie tyme of the sermone," defender gathered the undernamed persons, and placed them in some "dernit" spots close to the kirk; and, as soon as Mr Robert came out of the kirk, Irving again accosted him, saying "he had done him wrang afoir in slaying of Johnne of Locharbie, and now he wes come to reve him of his teyndis, bot he sould at this tyme pay for all." Then he gave a shout; and he and said persons convocated,—viz. Edward Irwing, his son, Richard Irwing, also his son, Robert Hutcheoun, his servitor, Edward Irwing of Hardrigis, his good-son, and Thomas Carrutheris, George Dalglesche in Kirkhill, George Foister in Woodhouse, James and Walter M°Birnyis, all his servitors, with others to the number of 100, all armed with certain weapons, including hagbuts and pistolets,—fiercely set upon Mr Robert and such of the parishioners as pressed to save him, shot a pistolet at them, and with lances, hagbuts, and pistolets chased him and them a mile from the kirk, wounding some.—Pursuers appearing, and the defenders being also present, with the exception of Edward Irwing and Robert Hutcheoun, the Lords find the said George Irwing guilty, and ordain him to be committed to ward in the tolbooth of Edinburgh. They assoilzie the other defenders who have appeared, and order the two who have not appeared to be denounced rebels.

Acta 1609-10.

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Page 92.

Mr William Maxwell and Edward Edgar against Mac-Lellan of Bomby, charging him to enter certain of his men.

Complaint by Mr William Maxwell of Cavens, and Edward Edzer, merchant, burgess of Edinburgh, that Thomas M°Clellane, son of Johnne M°Clellane of Overlaw, William M°Clellane, called the Page, and Gavin M°Clellane, servitors to Sir Robert M°Clellane of Bomby, remain unrelaxed from a horning of 28th June last for not entering in ward in the tolbooth of Edinburgh for their assault on the complainers. As they are the said Sir Robert's household men, he is bound by law to enter them before the Council.—Charge had been given to Sir Robert to that effect; and now, Edzer appearing for himself and Maxwell, and Sir Robert being also present, the Lords assoilzie Sir Robert, no part of the complaint having been proved against him.

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Page 94.

Norman Leslie against Leslie of Wardes for acts of violence and oppression.

Complaint by Normand Leslie in Glendirstoun, as follows:—Johnne Leslie of Wardes has often sought occasion to execute his grudge against complainer because he will not renounce his tack of the lands of Glendirstoun. (1) On 17th June last, said Johnne, with others to the number of 30, all armed, came to the said lands and searched for complainer through all his tenants' houses for his slaughter. (2) Defender then commanded the tenants not to reset complainer under pain of death, giving to divers of them "mony bauch, bla, and bludy strykis." (3) On June last, the said Laird of Wardes, with convocation in arms, for-

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ta 1609–10. gathering with a number of poor workmen whom the complainer had hired from Straithbogy for helping him to labour the said lands, commanded them, under pain of hanging, to go back again, avowing with "mony horrible aithis" that if they laboured the said lands they "sould go hame in blankettis."—Both parties appearing, and the pursuer having passed from the first part of the complaint, the Lords assoilzie the defender, on his own oath of innocence, from the other two charges.

ge 96. The Lords continue to first Thursday of November next the summons raised by Quintene Rankene, messenger, against Hew, Earl of Eglintoun, and Thomas Boyd, provost of Irwing, for the entry this day of William Irwing and Johnne Barclay, rebels. Case of Quintin Rankine and the bailies of Irvine.

Action by William Wardlaw of Ricardtoun against James Abirnethie, son and apparent heir of late Johnne Abirnethie in Glastoun, for remaining unrelaxed from a horning of 24th May 1606 for not paying pursuer 200 merks as principal and £30 for expenses.—Pursuer appearing by Archibald Douglas, defender is to be apprehended for not appearing. Decree against James Abernethy for debt.

ge 97. mmissions, l. 41, b. Gilliecrist M°Cartour in Lochowsyde in Ergyle having, on , cruelly murdered Finla M°Erres in Glenschira in Ergyle, and having been apprehended on by Sir Duncan Campbell of Glenurquhy within the part of Ergyle and Lorne held by Archibald, Earl of Ergyle, and being now in the keeping of the said Sir Duncane, and the Lords understanding that the said Earl is justice general of this kingdom, and that he has ever shown himself most willing impartially to administer justice, commission, passed under the signet, and signed by the Chancellor, Linlithgow, Perth, Lothiane, Sanchair, and Torphechin, is given to the said Earl to set a court of justiciary for the trial of the said Gilliecrist, put him to the knowledge of an assize, and minister justice accordingly.—There is order to charge Sir Duncane to deliver Gilliecrist to the said Earl when required, at his uttermost charge and peril. Commission to the Earl of Argyle for the trial of Gillichrist Macarthur.

derunts, l. 90, a. Licence, signed by the Chancellor, Lynlythgow, Glasgow, Perth, Loutheane, Sanchare, Torphichin, Jo: Prestoun, and R. Cockburne, to Johnne, Earl of Montroise, to go to France, Flanderis, Italie, Germanie, or any other place beyond sea, and to remain abroad there for years, on condition that during his absence he shall do nothing prejudicial to his Majesty, the estate, or religion. Another licence to the same effect to young Balcomy; and a third to Sir William Ker, brother of the Earl of Lotheane. License to the Earl of Montrose and two others to go abroad.

A missive to be written to the Deputy and Council of Yrland in favour of Alexander Douglas.—See letter of this date among *Royal and Other Letters.* Alexander Douglas.

Commission to the bailie of Carrik and his depute against Johnne Kennedy in Auldcreissok. John Kennedy.

ta 1609–10. ge 97. There being a "verie grite appeirance of trouble and unquietnes" between Alexander, Lord Elphingstoun, and Sir George Elphingstoun of Blythiswood, on the one part, and Bruce of Airth on the other, "anent the teyndis of the landis of Lethame," there is order to charge both parties to Edinburgh, 10th October. Charge to Lord Elphinstone, Sir George Elphin-

stone, and Bruce of Airth, for keeping the peace.

appear before the Council on instant, to underlie such order as shall be given to them, and to keep the peace in the meantime, Lord Elphinstoun and the Laird of Airth under the pain of £5000 each, and Sir George in 3000 merks. Acta 1609-10. Page 98.

Edinburgh, 12th October.

Sederunt—President; Bishop of Ros; Forbes; Elphingstoun; Master of Elphingstoun; Edzell; Privy Seal; Justice Clerk; Advocate; Preistfeild; Mr Petir Rollok; Sir Alexander Drummond; Foistersait; Sir Lues Craig; Sir Johnne Arnot; Sir William Harte.[1]

Mr Robert Rutherford, minister at Corstorphine, against Henry Aikman, for burying his wife in the kirk of Corstorphine.

Complaint by Mr Robert Rutherfurd, minister at Corstorphin, for himself and his brethren of the presbytery of Edinburgh, as follows:—Notwithstanding the laws prohibiting the burying of the dead in kirks, Harie Aikman in Bromehouse, one of the parishioners of , accompanied by James Cleghorne in West Craig, and Andro Aikman, servitor to the Laird of Corstorphin, armed with certain weapons, came on 9th September last about midnight to the kirk of Corstorphin, and, finding the doors locked, entered at the roof by means of ladders, and with spades and picks made a grave in the floor, in which to bury Margaret Broun, spouse of said Harie, neither she nor he being a parishioner of Corstorphin. This having been done, the said Harie, accompanied by James Allane in Corstorphin, Johnne Broun in Gogir-mill, James Aikman, Henry Aikman, chirurgeon, and Alexander Listoun, with others, came armed, the next day, being Sunday 10th September, to the kirk with the corpse of the said Margaret,—the last bell having rung, and many of the parishioners being convened in the kirk, and the said minister being "reddy to have gone to the pulpit,"—when not only the said James Allane and Alexander Listoun "pat violent hand in the said Mr Robert, pullit and shote him furth of the dure," but the said Harie and his accomplices buried the body of said Margaret.—Mr Robert Rutherfurd, Mr Patrick Galloway, Mr Henry Blyth, and Mr Henry Chairterhous, appearing for the presbytery, and the defenders, with the exception of Listoun and Allane, being also present, the Lords find the complaint proven, and remit said Hary to the Presbytery of Edinburgh, to make satisfaction to them for the said "insolence," certifying him that, if he does not produce before them on 26th instant evidence of his having made satisfaction as required, he shall then be warded in the tolbooth of Edinburgh. Page 99. Page 100.

Decree against Alexander Livingstone for debt.

Action by Johnne Kyncaid of Caribber, and Helene Caribber, his spouse, against Alexander Levingstoun of Hallis of Airth, for remaining unrelaxed from a horning of 3rd instant for not paying them 1000 merks, and 8 merks for each undelivered boll of four score bolls of victuals.—Kincaid appearing, defender is to be apprehended for non-appearance. Page 101.

[1] "Mr George Gladestains, Bishop of St Andrewes, Mr Johne Spotswood, Bishop of Glasgow, and Mr James Law, Bishop of Orkney, went to Court about the beginning of October" (Calderwood, vii. 52). As appears from a recent minute of Council appointing President Preston as a substitute for Chancellor Dunfermline in his absence (*ante*, p. 360), the Chancellor must have gone to Court about the same time. The four therefore are not to be expected in Council meetings for a while.

ta 1609–10. Action by Patrick Scot of Lidfie against Sir Robert Forrester of Strathenry, for remaining unrelaxed from a horning of 20th September last for not paying pursuer 950 merks as principal and 10 merks of expenses.—Pursuer appearing by Archibald Douglas, decree as above against defender. Decree against Sir Robert Forrester for debt.

ge 102. Arthur, Lord Forbes, appears and gives in a copy of letters raised by Patrik Mortymer, son of Johnne Mortymer of Cragyvar, charging the said Lord to enter said Patrik before the Council this day, in order to his release furth of his present ward.—No one appearing for Patrik, Lord Forbes protests that he shall not be held to answer further in this matter till again charged; and the Lords admit the protest. Protest for Lord Forbes.

ge 103. Action by Mr Patrik Hepburne of Smetoun against Andro Stevinsoun in Pittinweyme, for remaining unrelaxed from a horning of 19th February 1608 for not fulfilling to the complainer, as assignee to Johnne Wilsoun, younger, burgess of Pittinweyme, a contract made between Michaell Balfour, skipper in Pittinweyme, and his spouse, on the one part, and said Wilsoun on the other,—viz. for not infefting pursuer in an annualrent of ten merks to be uplifted from certain acres for each 100 of 2150 merks received by Balfour and his spouse from Wilsoun, and for not paying the complainer the said annualrent yearly since Whitsunday 1604.—

ge 104. Pursuer appearing by Archibald Douglas, defender is to be apprehended for not appearing. Decree against Andrew Stevenson for non-fulfilment of contract.

Action by Gawin Weymes, burgess of Dysert, and Agnes Scot, his spouse, against George Allerdes of Skeddowie, for remaining unrelaxed from a horning of 11th August last for not paying them 613 merks as principal and £100 for expenses—Weymes appearing, decree as above against defender. Decree against Allardice of Skedowy for debt.

derunts, l. 90, a. Warrant expede for relief of George Irwing furth of ward, on caution for his keeping ward in the burgh of Edinburgh under pain of £500. George Irvine.

ta 1609–10. ge 105. *Sederunt*—President; Torphechin; Halyruidhouse; Edzell; Privy Seal; Advocate; Mr Petir Rollok; Sir Alexander Drummond; Sir Lues Craig; Foistersait; Sir Petir Young; Sir William Hairt; Sir Andro Hammiltoun; Sir Johnne Arnot. Edinburgh, 26th October.[1]

David, Earl of Craufurd, and some of his servants, having forgathered with William Foullertoun of Crago, in the highway beside the burgh of Dundie, on a certain day in this month, and both parties having broken the peace and shot hagbuts and pistolets, there is order to charge both parties to answer before the Council on under pain of rebellion. Charge to Earl of Crawford and Fullerton of Crago.

Action by Thomas Gourlay of Kincraig and George Patirsoun of Over Denmure against Mr Andro Patirsoun of Hiltarbert, and Johnne Patirsoun, fiar thereof, for remaining unrelaxed from a horning of August last for not paying pursuer £1000 as principal and £200 of expenses.— Decree against Mr Andrew and John Paterson for debt.

[1] 27th October is the date given in the *Book of Sederunts* (fol. 90, a).

Pursuers appearing by Archibald Douglas, defenders are to be apprehended for not appearing. Acta 1609-10 Page 106.

Decree against Lady Mellerstanes for debt.

Action by Johnne Wilkie, merchant, burgess of Edinburgh, against Marioun Lumisdane, Lady Mellirstanes, for remaining unrelaxed from a horning of 29th September last for not paying him £900 as principal and £200 of expenses.—Pursuer appearing, decree as above against defender. Page 107.

Decree against David Boswell and others for debt.

Action by Robert Arnot, brother of late David Arnot of that Ilk, against the persons afternamed for remaining unrelaxed from a horning of 19th September last for not paying the complainer the following sums:—David Boiswall of Ardmoir, as principal, and George Allerdyse of Skeddowie, as surety, 500 merks as principal and 100 merks of expenses; said David, as principal, and Sir Johnne Boiswall of Balmowto and Robert Lundy of Balgony, as sureties, 3000 merks as principal, with an annualrent of 300 merks, assigned to the complainer by Mr James Raith, servitor to Alexander, Earl of Dunfermeling, chancellor.—Pursuer appearing by Johnne Lyell, decree as above against defenders. Page 108.

Decree against Mr David Guthrie and his spouse for debt.

Action by Robert Collace, fiar of Balnamone, against Mr David Guthrie of Hiltoun, and Abigaell Barroun, his spouse, for remaining unrelaxed from a horning of 6th May last for not paying 1600 merks as principal and 200 merks [? for expenses], and 1446 merks 6s. 8d. as principal and 200 merks for expenses, to pursuer as assignee to George Barroun of Kynnaird, and for not fulfilling to pursuer, as assignee foresaid, letters of disposition of certain oxen, ky, sheep, and corns made by the defenders to said George on 30th January 1607.—Pursuer appearing by Archibald Douglas, decree as above against defenders. Page 109. Page 110.

John Sutherland and a Fleming against the bailies of the Canongate, for molesting pursuers in the exercise of their craft of making broad cloth and other stuffs, notwithstanding his Majesty's privilege granted them.

Complaint by Johnne Sutherland, and Joas Van Headen, a Fleming, indwellers in the Cannogait, as follows:—His Majesty, "haveing at divers tymes and be sindrie meanis intendit to have broght the airt of the making of braid claith and utheris stuffis in practize within this kingdome, whereby the commoditeis of the cuntrey micht be wrocht within the same, and nomberis of ydill vagabonndis and beggaris put to work, to the honnour, credite, and estimatioun of the cuntrey, besydis the commoun benefite and commoditie of the same," had at last given commission to Sutherland to import 100 families of strangers for practising the said art, "whilkis strangeairis his Majestie by his letteris patent indewit with the libertie and privelege of frie burgessis" in whatever burgh they might settle, and exempted from all taxations (see *ante*, vol. vi. p. 98 and p. 123). Accordingly, Sutherland "brocht divers famileis of strangeairis, makeris of stuff and cloth, in this cuntrey; by whose labouris and working during the tyme of thair remaning heir that arte of making of stuffis of all sortis, nevir heirtofoir knowin nor practizeit in this cuntrey, is now come to a ressounable good perfectioun, and thair is a grite many of the cuntrey people that daylie exerciseis the same." Now, although "the saidis complenairis, with the few nomber of strangearis that hes remanit heir, have setled thameselffis with thair famileis in the Cannogait, and ar daylie exercised in thair airt of making, dressing, and litting of stuffis, and gevis grite licht and

cta 1609–10. age 111. knawledge of thair calling to the cuntrey people," nevertheless "the bailleis of the Cannogait, instigat and steirit up be some personis who invyis the begyning and progres of thair doingis, daylie troublis and molestis the saidis complenaris." They discharge complainers from working within their town unless they become free men and consequently contribute to all the "commoun effairis," thus disregarding the liberty granted to complainers by his Majesty's patent.—Charge had been given to George Cunynghame and Duncane Neische, bailies of the Cannogait, to answer; and now, both parties appearing, the Lords ordain the defenders age 112. to suffer the pursuers to enjoy in peace the privilege granted them by his Majesty.

Commission for auditing the accounts of the money contributed for building the Bridge of Perth.

Commission to Andro, Bishop of Brechin, George, Bishop of Dunblane, David, Lord of Scone, Sir George Haliburtoun of Pitcur, George Auchinlek of Balmanno, Mr Petir Hay of Leyis, Peter Hay of Kirkland, Murray of Tibbermure, or any five of them, the Bishop of Dunkeld and Lord of Scone being always two, to take trial whether and how the money given by his Majesty or subscribed by others for building the bridge of Perth is employed strictly for that purpose, and to report any ascertained age 113. misapplication of that money to the Council.—Connect with Royal Letter of date 3rd October 1609.

derunts, ol. 90, a. Cuthbert Cunningham.

Warrant to Cuthbert Cunnynghame for his relief furth of ward on caution found by him to satisfy the kirk under pain of £500.

Lord Balmerino.

The Council allow of the band taken for the Lord of Balmerinoch.

Shoes and boots.

The Act anent the boots and shoon to be presented the next Council day.

Candles.

Act anent candle to be presented the next Council day.

cta 1609–10. age 113. Edinburgh, 2nd November.

Sederunt—Forbes; Bishop of Orknay; President; Privy Seal; Quhittinghame; Kilsyth; Advocate; Logy; Clerk of Register; Sir Alexander Drummond; Sir Lues Craig; Sir Andro Hammiltoun; Sir Alexander Hay; Sir Johnne Arnot.

Act to enforce the execution of the ordinance of a Convention of Estates for regulating the prices of boots and shoes.

The Commission of the Convention of Estates in May 1608 to the magistrates of burghs, and to certain gentlemen associated with them, for fixing age 114. the prices of boots and shoes (*ante*, p. 93), having, by negligence of said commissioners, had little or no effect anywhere, so that "the extraordinair age 115. and schameles derth of bootis and shoone is not onlie of continewance bot daylie ryseis to heicher priceis, to the grite hurt of all rankis and degreis of personis, especialie of the poor people and servandis, whose haill waigeis in a yeir will scairs be sufficient to furneis thame bootis and shoone," there is order to charge the provosts and bailies of burghs and the gentlemen conjoined with them to put the said commission to execution within 10 days after being charged, and to report their diligence in the matter to the Council within 20 days thereafter, under pain of rebellion.

Act for enforcing the Acts against the

Divers Acts against the exportation of candle having been frustrated hitherto by the "policie, craft, and dissat" of the skippers and owners of

exportation of candle.

vessels, who either themselves collude with the merchants, "for some litle gayne" to themselves, and secretely "takis the candle aboorde of their schippis," or else suffer the said goods to be shipped by their mariners, there is order to charge all masters and owners of ships, by open proclamation at all places needful, not to receive in their ships hereafter any candle for exportation, except so much as will serve the use of their voyage, under pain of confiscation of all their moveable goods. Acta 1609-10. Page 116.

Decree against George Allardice for debt.

Action by Gavin Wemyss, burgess of Dysert, and Agnes Scott, his spouse, against George Allerdes of Skeddowie, for remaining unrelaxed from a horning of 11th August last for not paying pursuers 613 merks as principal and £100 of expenses.—Pursuer appearing, defender is to be apprehended for not appearing. Page 117.

Suspension of horning obtained against William Durham and others by Fotheringham of Powrie.

Complaint by William Durhame of Grange, Jeane Leslie, Lady Grange, James Kyd at the Brig of Monyfuth, and Henry Lovell in Arsludie, that they are put to the horn by Thomas Fothringhame of Powrie for not finding caution in the books of Secret Council for his indemnity, the first two in £1000 each, and the other two in 500 merks each. As soon as they had been charged, they had sent an obligation of cautionary to their agents here; who, however, "negligentlie" mistook the books of Session for the books of Secret Council. Farther, the said pains are far above those prescribed by the Act of Parliament. On these grounds, and because they have found caution as required, with caution for payment of their escheats to the Treasurer, the said horning should be suspended.—Pursuers appearing by Mr Thomas Mawer, but defender failing to appear, the Lords do suspend the horning. Page 118. Page 119.

Decree against James Leslie for not relieving his cautioner.

Action by Andro Howy in Warthill, and Johnne Leslie in Dornay, against James Leslie of the Mylnetoun of Dornay, for remaining unrelaxed from a horning of 16th August last for not relieving pursuers at the hands of James Stevin in Blachry of the payment of 600 merks as principal and £100 of expenses, and for not paying them 40s. for expenses of plea, and 10s. for the precepts raised thereanent, conform to a decree by the Commissary of Aberdene of 3rd July 1607.—Pursuers appearing by Archibald Douglas, defender is to be apprehended for not appearing. Page 120.

Decree against the Earl of Crawford for debt.

Action by Patrik Quhytlaw, merchant, burgess of Edinburgh, against David, Earl of Crawfurd, for remaining unrelaxed from a horning of 13th April last for not paying him £2100 as principal and £300 of expenses. —Pursuer appearing by Archibald Douglas, decree as above against defender. Page 121.

Suspension of horning obtained against Robert Innes by James and Alexander Innes.

Complaint by Robert Innes of Quottis that he is put to the horn by James Innes of Dranie, and Alexander Innes, his brother, for not answering touching his alleged wounding of them. Now, as he has never been lawfully charged to answer, as he found caution in 500 merks to answer this day, and as his escheat is gifted to Robert Innes of Innermerkie, the said horning should be suspended.—Pursuer appearing, but not defenders, the Lords do suspend the horning. Page 122.

The Lords continue to 16th instant the letters of suspension raised by

cta 1609-10. William Kirkpatrik, younger of Kirkmichaell, against Sir James Douglas of Drumlangrig, Johnne M°Coull in Over Garrell, Robert Glendonning there, and the other tenants of the lands of Over Garrell.—Kirkmichaell, being present, and James Dowy, as procurator for Douglas, are warned *apud acta.* Kirkpatrick of Kirkmichael against Douglas of Drumlanrig and others.

The 4th of January next is assigned to Cunynghame of Cunynghamheid, who sues, in name of Quintene Rankene, messenger, the Earl of Eglintoun, bailie principal of Cunynghame, and Thomas Boyd, provost of Irwing, for the entry before the Council of William Mure and Johnne Barclay, bailies ge 123. of Irwing, to answer for violently rescuing William Montgomerie, writer, denounced for the slaughter of Hew Garvane, clerk of Irwing. Case of Quintin Rankine again.

There being a "verie grite haitrent and inimitie" between Patrik Dumbar of Conzie, Alexander Dumbar of Culboyak, his son and apparent heir, Johne, Williame, Adame, Mr Patrik, and Robert Dumbaris, also sons of said Patrik, William Dumbar of Hemprigis, Johnne, James, Niniane, and Robert Dumbaris, his sons, Alexander Dumbar of Lochhillis, James Dumbar, son of Gawin Dumbar, Archidean of Murray, and Alexander Innes of Kirkhill, on the one part, and James Adamsone, son of George Adamsoun of Braco, and Alexander Thane, sometime servitor to said James, on the ge 124. other part, there is order to charge both parties, under pain of rebellion, to appear before the Council on , to underlie such order as shall be given to them for removing their feud. Charge for removing the feud between Dunbar of Conzie and Adamson of Braco.

Charge had been given to Andro Smyth in Windiehill, Johnne Tailliour there, William Andirsoun there, Alexander Layng there, and Thomas Imlache there, to answer this day to the complaint of William Cuming, fiar of Ernesyd, and James Geddes, Thomas Duncane, and Johnne Arnot, his servants, for pursuing the said servants for their lives in March last at the house of Eirnsyde, and casting down the yard dykes of Eirnsyde.—Cuming appearing for the pursuers, and defenders being also present, the ge 125. Lords assoilzie Smyth and his colleagues, on their own oath of innocence. Cumming, fiar of Ernside, against Andrew Smith and others for oppression.

One Forrester (Foster), son of James Forrester, falconer, having on a certain day of last month pursued Mr David Andirsoun, minister at Ballingrie, and "cuttit his airme frome him" with a sword, so that he is in great danger of his life, and having taken refuge with Sir Robert Forrester of Strathenrie, there is order to charge Sir Robert to enter him before the Council on instant, under pain of rebellion. Edinburgh, 3rd November. Charge to Sir Robert Forrestor to enter a malefactor.

Sederunt—Craufurde; Glencarne; Home; Forbes; Saltoun; Blantyre; Bishop of Dunkeld; Bishop of Caithnes; Bishop of Dunblane; President; Comptroller; Privy Seal; Advocate; Clerk of Register; Kilsyth; Sir Alexander Drummond; Sir Lues Craig; Sir Andro Hammiltoun; Logy; Mr Petir Rollok; Sir Johnne Arnot. Edinburgh, 7th November.

Order to charge Bessie Dick, relict of Johnne Gib in Over Lassodie, to appear

Charge to Bessie Dick to concur in the trial of John Stewart for the murder of John Gibb, her late husband.

before the Council on 14th instant, in order to concur with the King's Advocate in the trial by assize of Johnne Stewart, brother of the Lord of Sanct Colme, now prisoner in the tolbooth of Edinburgh, for the murder of said Gib, committed "under trust and friendschip" in Gib's own house one night in June 1608.—Connect with Royal Letter of 28th October 1609. Acta 1609-10. Page 126.

Order that a plague-infected ship, lately arrived at the west bulwark of Leith, be removed to Inchkeith to be cleansed there.

"Forsamekle as the Lordis of Secrite Counsale ar informed that thair is a schip laitlie come frome Lundone, and lyand at the west syde of the bulwark of Leyth, whiche hes bene undir the visitatioun of the plague of pestilence this lang tyme bigane, the most pairt of the maryneris of the said schip being depairtit this lyff of that same seiknes, and thair is verie grite presumptionis and likliehoodis that sho is not yit altogidder frie of that infective and contagious visitatioun; and seing it is the guid will and pleasour of God that ordinair and lauchfull meanis be used wherthrow by his divyne providence all suche visitationis may be prevented and eshewit: it is thairfore thought mete and expedient that this schip sall with all goodlie diligence be transported and caryed to Sanct Colmis Inche, thair to remane some certane space for clengeing of the merchandice and goodis being within her. For quhilk purpois ordanis letters to be direct to command and chairge the maisteris, skippairies and marineris, and whole equippage and company of the said schip, to addresse thameselffis, with the said schip and hir whole laidning, to Inchekeyth within twenty-four houris nixt efter the said chairge, and thair to remane and to abyde thair tryall, and that thay on nawyse presome nor tak upoun hand to come ashoir whill thay be licenced be the saidis Lordis, undir the pane of deid; and to command and chairge the personis keipairis of the said Inche and inhabitantis thairof to suffer and permit the said schip to ly at the most commodious pairt about the said Inche, and the haill equippage of the schip to come ashore on the Inche, to losse the schip thair, and to handle, clenge, and dresse the goodis and geir being within hir, and to ease and accommodat thame upoun thair reasounable expensis with suche houssis and utheris necessaris as ar in the said Inche, undir the pane of rebellion." Page 127.

Decree against Seton of Parbroath for not relieving his cautioner.

Action by Sir Johnne Boiswall of Balmowto against George Seytoun of Parbroith, for remaining unrelaxed from a horning of 21st October last for not relieving the complainer, as cautioner for him to Johne Seytoun, his brother, for 12,000 merks as principal and 1000 merks for expenses. —Pursuer appearing by Paull Ronnald, defender is to be apprehended for not compearing.

Letters from the King to the Council.

The Council have received this day his Majesty's four letters underwritten:—(1) putting Johnne Stewart to an assize, (2) putting Robert Johnnstoun to an assize, (3) anent commission for Orknay and Zetland, (4th) anent charging certain of the Earl of Orkney's deputes and servants to appear before the Council.—See the letters, all of date 28th October, among the *Royal and other Letters.* Sederunts 1609-16, Fol. 2, b.

Trial of Robert Johnstone.

The Lords appoint this day fifteen days for the trial of Robert Johnnstoun before the justice for wearing hagbuts and pistolets, and ordain his Majesty's Advocate to prosecute.

Sederunts 1609–16, Fol. 2, b.

The Lords appoint this day eight days for the trial of Johnne Stewart, and ordain letters to be written to the clerk of the regality of Dunfermline for the production of records in the case. Trial of John Stewart.

The Lords ordain letters to be directed at the instance of the King's Advocate charging the sheriff deputes of Orknay and others mentioned in his Majesty's letter to appear the first Council day of March next. Charge against the Sheriff-deputes of Orkney.

The Advocate, Clerk of Register, Lord of Blantyre, Bishop of Orknay, the Comptroller, and Sir Johnne Arnott are appointed to consider the commission sent down by his Majesty anent Orkney and Zetland, and to report this day eight days. In the matter of the complaints from Orkney.

The Lords, by information of David . . . . furde, find that David Lindsay of Quarrelhill . . . . . Lindsay of Quarrelhill.

Fol. 3, a.

The warrant signed by his Majesty for keeping the Earl of Orknay close prisoner in a chamber in the castle of Edinburgh is delivered to the Clerk of the Council by Archibald Cunynghame, master-porter of the castle, in presence of the Laird of Dowhill. Earl of Orkney.

Commissions, Fol. 42, a.

As Allane M°Ean Dowy of Lochquhaber, though often charged to render his obedience to his Majesty and to appear before the Council, has ever remained disobedient, and as the Lords are informed that he is now "quietlie lurking in some pairtis of the incuntrey doing his awne affairis" and that "efter the dispatche thairof" he "is myndit to go back," commission, passed under the signet, and signed by the Archbishops of St Androis and Glasgow, and by John Prestoun, Halyruidhous, and Clerk of Register, is given to David, Lord of Scone, captain of the guard, to apprehend him and enter him before the Council. Edinburgh, 8th November. Commission to apprehend Allan MacIan Duy of Lochaber.

Acta 1609-10. Page 128.

Sederunt—Bishop of Sanctandrois; Craufurd; Forbes; Saltoun; President; Elphinstoun; Roxburgh; Halyruidhous; Blantyre; Privy Seal; Justice Clerk; Advocate; Clerk of Register; Edzell; Quhittinghame; Kilsyth; Mr Petir Rollok; Sir Lues Craig; Sir Alexander Drummond; Logy; Sir Johnne Arnot; Sir William Hairt. Edinburgh, 9th November.

Action by Johnne Kinros, brother of James Kinros of Kippinros, against David Somervell of Plane, for remaining unrelaxed from a horning of 13th August 1608 for not paying him 400 merks as principal, with 40 merks of yearly annualrent from 5th June 1590 to Martinmas 1607, as by contract. Decree against Somerville of Plean for debt.

Page 129.

—Pursuer appearing by Archibald Douglas, defender is to be apprehended for not appearing.

Action by Mr Johne Skrymgeoure, sometime minister at Dysert, and now at Kinghorne, and Grissell Forrester, his spouse, against the following persons as unrelaxed from the following hornings:—David Sibbald of Lethame, denounced on 17th July 1607 for not paying pursuer £1000 as principal and 200 merks for expenses; said David, and George Seytoun of Parbroith, denounced on 15th and 17th July last for not warranting to Decree against David Sibbald of Lethame for debt and non-fulfilment of obligation.

pursuer the lands of Drummacrie, with the teindsheaves and small teinds thereof, and for not warranting the said lands to be yearly worth 12 bolls bear, 13 bolls oatmeal, 20 merks of silver duty, and three dozen poultry, and for not paying and delivering to the complainers the same for all years resting owing.—Pursuer appearing by Archibald Douglas, decree against Sibbald (alone cited) as above. Acta 1609-10. Page 130.

Decree against Thomas Middlemass for debt.

Action by Johne Govane of Cardrono against Thomas Middlemest of Greistoun, as unrelaxed from hornings of 15th and 29th July last for not paying him £5 for the maill of the meadow called Grahame's Meadow for 1607 and 1608, with £100, 20 merks for expenses, and £40 of penalty for not fulfilling a decree arbitral dated 27th December 1606.—Pursuer appearing personally, decree as above against defender. Page 131.

Decree against Andrew Wood and his spouse for not relieving their cautioner.

Action by James Wood, brother of Sir David Wood of Craig, against Andro Wood in Rossyth, and Rachaell M°Gill, his spouse, as unrelaxed from a horning of 22nd August last for not relieving him, at the hands of Johnne Alshunder, skipper in Innerkething, and Helene Broun, his spouse, of payment of 1400 merks as principal and £40 of expenses.—Pursuer appearing by Archibald Douglas, decree as above against defenders. Page 132.

Act in favour of Moysie Faw, sometime an Egyptian, exempting him from the Act of Parliament directing the expulsion of all Egyptians from Scotland.

Supplication by Mosie Faw, as follows:—He is informed that in the last Parliament an Act was passed ordaining Egyptians to leave this realm within a certain time under pain of death, with power to any of the lieges to apprehend and slay all Egyptians after the day foresaid. Now, though the said Act was "most lauchfullie and worthelie set doun aganis these infamous thevis and lymmaris who undir the counterfute name of Egiptianis commitis sa mony villanyis in the cuntrey," petitioner "is sure that the Estaitis of Parliament had nevir ony purpois or intentioun that the said Act sould resave executioun aganis honnest, lauchfull and trew personis"; and, as he himself "disdanis and detestis the thevishe forme of doing of that infamous societie," and has withdrawn himself and his wife and children from them, and as "his birth, educatioun, and residence hes bene in this kingdome, quhair, gif it micht please God, he wald fane spend the rest of his dayis in the estate and conditioun of a quiet, modest, trew, and humble subject," and as he has found caution in £1000 to obey the laws, appear before the Council as often as he may be required on ten days' warning, and not reset or have dealings or allow his family to have dealings with the Egyptians, he humbly prays that he may be allowed to remain in this country.—The Lords, finding his prayer reasonable, accept the caution offered, and grant the required licence. Page 133.

Charge to Stratton of Lauriston and others for keeping the peace.

As there are "privat grudgeis and miscontentment" among the following persons,—Johnne Stratoun, fiar of Lourestoun, Sir Johnne Wood of Balbeginoch, David Ramsay, apparent of Balmayne, and Waltir Ogstoun of the Kirklands of Fettircarne,—and as, "commounlie at the tyme of thair repair to the kirk of Fettircarne for heiring of the sermone," they make "provocatioun and bragging, everie one aganis ane other, sua that the

Acta 1609–10. ordinarie service at the said kirk is interrupted," there is order to charge them to find caution in 3000 merks each, under pain of rebellion, within six days after charge, for the preservation of the peace.

Page 134. Action by Sir Johnne Boiswell of Balmowto against William Carmichaell, burgess of Dysert, as unrelaxed from a horning of 24th July last for not relieving the complainer, at the hands of Mr Johnne Hay, clerk depute of Edinburgh, and Marioun Johnnstoun, his spouse, of payment of 3000 merks as principal and 400 merks for expenses, and for not paying complainer another £200 for expenses.—Pursuer appearing by Paull Rannald, defender is to be apprehended for not compearing. Decree against William Carmichael for not relieving his cautioner.

Page 135. "Forsamekle as Beatrix Weir, spous to Johnne Ferrie, bookbinder, is suspect and dilait to have murdreist ane bairne, procreat in adulterie betuix hir and Johnne Young, notair in Drumfreis, sometyme steward to Johnne Young, schireff clerk of Edinburgh,—which vyld and detestable murthour is constantlie avowit upon hir be one Bessie Pollok, at the West Port of Edinburgh, who wes present at the birth of the bairne, and saw the same in lyve, and gaif counsale and advise to the bureying of the said bairne; and seing the said Beatrix Weir not only denyis the murthour of the said bairne, bot also denyis the beiring of ony bairne at that tyme; and it being constantlie affermed be the said Bessie Pollok that the said Johnne Young delt and travellit with hir, and with suche utheris as knew the treuth of that mater, to conceill the same, as alsua that Jonet Lyn in Glasgow gaif unto the said Beatrix drinkis to have distroyit the bairne in hir bellie,—whiche ar verie cleir presumptionis that scho wes with child, and that by some hid and detestable meane the chyld is murdreist and slane: Necessar it is for the cleiring of this obscure, vyld, and detestable murthour, and for purgeing of the land of the havie wraith and indignatioun of God whiche it underlyis so lang as suche detestable villannyis lyis hid undiscoverit and punisit, that the said Jonet Lyn be exhibite befoir his Majesteis Counsale, to the effect sho may be confronted with the saidis Beatrix Weir and Bessie Pollok, and suche course tane for examinatioun, discoverie, and cleiring of this fact as salbe thocht fit and expedient. Thairfore ordanis letters to be direct chairgeing the provest and bailleis of Glasgow to bring, present, and exhibite the said Jonet Lyn before the saidis Lordis upoun the xxiii day of November instant, to the effect scho may be examined and confronted in the mater foirsaid as accordis, undir the pane of rebellion." Charge to the magistrates of Glasgow for entry before the Council of Jonet Lyn to give evidence in the case of suspected child-murder by Beatrix Weir.

Commissions, Vol. 43, a. Licence, passed under the signet, and signed by St Androis, Crafoird, and John Prestoun, to Laurence Oilphant of Condie to be abroad for three years, on the usual conditions. License to Oliphant of Condy to go abroad.

Cederunt 1609–16, Vol. 3, a. The Laird of Kilsyth and Sir William Hairt nominated by the Council to confront Beatrix Weir and Bessie Pollok, and examine them anent the suspected murder of Weir's bairn (*supra*); the bailies of Drumfries to be charged to enter Johnne Young, notary there, the alleged father of the murdered bairn; and the bailies of Glasgow to be commanded to present the above-mentioned Jonnett Lyn before the Council on 20th instant. Order for gathering evidence in a case of alleged child-murder.

Earl of Atholl and his creditors.

Licence to the Earl of Athoill to repair to Edinburgh and remain there 20 days for order-taking with his creditors. Sederunts 1609–16, Fol. 3, b.

Earl of Orkney and his cautioners.

Command given to delete from the books of Secret Council the Act whereby Lord Gray and Lord Blantyre became sureties for the Earl of Orknay's keeping ward in the castle of Edinburgh, in respect he is now committed close prisoner in the said castle.

Whitehall, 10th November. Licence to the Master of Sempill to go abroad.

Licence, superscribed "James, Rex," and countersigned by the Chancellor, to Hew Semple, eldest son of Robert, Lord Semple, to pass to France, Flanderis, or other places abroad, and to remain there three years, on the usual condition of doing nothing prejudicial to the crown, law, or the true religion. Commissions, Fol. 43, b.

Edinburgh, 13th November. Licence to Wood of Bonyton to go abroad for a year.

Licence, passed under the signet, and signed by St Androis, Mar, John Prestoun, J. Hay, comptroller, to Harie Wod of Bonytoun to be abroad for one year, on the usual condition. Fol. 42, b.

14th November. Act in favour of Douglas of Drumlanrig.

The Lords allow a signature passed his Majesty's hand in favour of Sir James Douglas of Drumlangrig, containing a remission to him, and approving of all things done by him in the King's service in time bygone. Sederunts 1609–16, Fol. 3, b.

Maclean and Cunningham.

The Lords nominate my Lord of Blantyre and Sir Johnne Arnott to audit the accounts between M°Clayne and J. Cunynghame, burgess of Edinburgh, and to report thereon this day eight days.

The Lords appoint the 22nd instant for the . . . . . .

Edinburgh, 14th November.

Sederunt—Bishop of Sanctandrois; Glencairne; Saltoun; Blantyre; Halyruidhous; President; Comptroller; Privy Seal; Advocate; Clerk of Register; Quhittinghame; Mr Petir Rollok; Logy; Sir Alexander Drummond; Sir Andro Hammiltoun; Foistersait; Sir Johnne Arnot. Acta 1609–10 Page 135.

Charge against John Grieve and others for resetting John Stewart, fugitive for murder.

Johnne Stewart, brother of the Lord of St Colme, who has been long fugitive from the laws for the murder of Johnne Gib in Over Lassodie (*ante*, p. 370), having had his most frequent reset with Johnne Greif in Keltieheuch, Alexander Kello in Aberdoure, Thomas Kello in Hoilmylne, James Crawfurd, son of Henry Crawfurd of Powmylne, David Redie, servitor to Johnne Bugyall, flesher in Inchegaw, Nicoll Rowane in Bandrine, Hercules Barclay in Keltieheuch, Thomas Greif in Bairnebothie, and Mr David Durie in Abirdour, there is order to charge the said persons to answer in this matter before the Council on 21st instant, under pain of rebellion. Page 136.

Edinburgh, 16th November.

Sederunt—Mar; Bishop of Sanct Androis; Bishop of Glasgow; Linlithqw; Tullibardin; Bishop of Brechin; Bishop of Ergyle; Saltoun; Roxburgh; Scone; Halyruidhouse; Gairleis; Master of Elphingstoun; President; Justice Clerk; Comptroller; Privy

Acta 1609-10.

Seal; Advocate; Clerk of Register; Edzell; Quhittinghame; Kilsyth; Sir Alexander Drummond; Sir Lues Craig; Mr Petir Rollok; Logy; Sir James Sandielandis; Sir William Hairt; Sir Johnne Arnot.

Charge for the entry of James Craw to depone in a case of suspected child-murder.

Beatrix Weir being committed to ward in the tolbooth of Edinburgh on the probable suspicion of having murdered her own bairn (*ante*, p. 373), "and it being constantlie affirmed that James Craw, now resident in Glasgow, ressaved the bairne fra the said Beatrix, and kaist the same in ane
Page 137. lyme hoill," there is order to charge the provost and bailies of Glasgow to enter Craw before the Lords on instant.

Charge against Mr John Fairfoul, minister at Dunfermline, for praying for the banished brethren.

"Forsameikle as Mr Johnne Fairfoull, minister at Dunfermelyne, has bene accustomat thir sex monethis or thairby to mak mentioun in his prayer efter sermone of the bretherine, als weill within as without the cuntrey, that thay might be restorit and broght hame agane to thair awne places,—which being a grite presumptioun in him to haif delyverit suche undewtifull speichis, to the cleiring of those who, being convict of heich treasoun, were not the les (in his Majesteis mercye with a grite mitigatioun of the dew and just punischement) onlie banishit; wherby the said Mr Johnne by inferrence wald accuse his Majestie of persequutioun, condemne the judicatorye of wrangous and unjust proceiding, and foster and mantene the seid of schisme and disordoure in the kirkis; whose offence is so much the moir that he continewit thairin after a lauchfull admonition gevin to him to haif forborne the same: thairfore the Lordis of Secrite Counsele ordanis letters to be direct chairgeing the said Mr Johnne to compeir personalie before the saidis Lordis upoun the xxiii day of November instant, to answer to the premissis, and to undirly such ordoure as salbe tane thairanent, under the pane of rebellioun."—Connect with Royal Letter of 23rd October 1609.

The masters of the Old College of St Andrews against the claim of Mr James Sheves to be received as one of the regents of the said college.

Complaint by Mr James Martyne, rector of the University of Sanct Androis, provost and principal master of the college of St Salvator, Masters David Monypenny, William Weddirburne, George Martyne, James Cleg, and Alexander Henrysoun, masters and regents of the said college, and the other members of the said University, as follows:—Mr James Schevis, alleging that Weddirburne had resigned his office in the said college in order to be appointed minister at Pittinweyme, had
Page 138. obtained from his Highness a letter instructing George, Archbishop of Sanct Androis, and the other members of the University, to admit him to the said office when the place should become vacant, and to that effect had procured an Act of Council charging the said Mr James Martyne, Monypenny, and George Martyne to examine him, and, if he were found qualified, to admit him to the said office, under pain of rebellion (*ante*, p. 339). Now, said charge ought to be suspended for these reasons:—(1) The said Act of Council is wholly irregular, having been passed, without citation of party and without the knowledge of complainers, on 3rd August, in the "feriot and close tyme of hervest and vacance," when all

the members of the University were scattered, and having proceeded only upon a privy letter obtained by Schevis from His Majesty, whereas by Act of Parliament such letter is disallowed. (2) The said office is not yet vacant, Weddirburne being still regent and professor of philosophy in the said college. (3) By the ancient foundation of the college it is appointed that the election of the regents of the same shall be made by the provost and principal thereof and no otherwise. (4) The Act of Parliament anent the Reformation of the said University, founded on in the charge against the complainers, cannot impair the laws and liberties of the ancient foundation of the college, and has never been received or allowed by the provost and masters within the same, but has been protested against by them; and that Act itself provides that the election and admission of regents "sall proceid upoun a edict affixt by the rectour of the said Universitie, within sex dayis next efter the place vaik, upoun ane monethis wairning and tryall," which order has not been observed in this case.—Complainers appearing, and also Schevis, the Lords suspend the charge against the complainers, for the second of the above reasons: viz., because the said place is not vacant. Acta 1609–10. Page 139. Page 140.

Decree against John Johnstone of Howgill and others for wearing firearms.

Complaint by the King's Advocate for his Majesty's interest, and by Mr Johnne Johnnstoun, advocate, and Walter Johnnstoun, his servitor, that Johnne Johnnstoun of Howgill, William, Johne, Gilbert, James, Robert, and Archibald Johnnstonis, his sons, George and Johnne Johnnstonis, sons of said William, Gilbert Johnnstoun of Aikieknow, Robert Johnstoun of Kirkhill, James, William, and Symond Johnnstonis, his sons, Johnne Johnnstoun in Helbekis, James and Frances Johnnstonis, his brothers, Alexander Johnnstoun in Thornhill, David Grahame in Wamphra Gait, and Symond Grahame, servitor to said Robert, remain unrelaxed from a horning of 9th September last for coming to the complainers' 20s. land of , called the Mylne, and violently removing their mowers furth of the meadows thereof, and presenting a bended hagbut at them.—Walter Johnnstoun appearing, the defenders are to be apprehended by the Captain of the Guard for not compearing. Page 141. Page 142.

Decree against Thomas Fairlie for debt.

Action by William Cranstoun, saddler, burgess of Edinburgh, against Thomas Fairlie, younger of Colmestoun, as unrelaxed from a horning of 24th June 1608 for not paying him 300 merks as principal and £40 of expenses.—Pursuer appearing, decree as above against defender for not compearing. Page 143.

Decree against Wardlaw of Torrie for debt.

Action by James Dick in Kirkcaldy against Andro Wardlaw of Torrie, as unrelaxed from a horning of 8th August last for not paying him 700 merks as principal, with the annualrent of 70 merks yearly since 9th October 1592, the date of the contract between them.—Pursuer appearing by Archibald Douglas, decree as above against defender.

Archibald and John Finlay of Glasgow against Gabriel Logan and

Complaint by Archibald and Johnne Fynlais, merchants in Glasgow, that Gabriell Logane, merchant in Glasgow, Gilbert Merchell, notary there, and William Merchell, younger in Balmeir, having learnt that the said Johnne was to repair early in the morning of the 6th instant Page 144.

Acta 1609-10. towards the city of Lundone in England for using his trade of merchandise, followed him, and the said Archibald, his brother, who was convoying him, overtook them at the Burrow Loch of Glasgow long before daylight, unmercifully set upon them, and wounded them with drawn swords.—Johnne Fynla appearing, and producing a testimonial for his Page 145. brother, signed by Johnne Bell and Mr Robert Scot, ministers in Glasgow, and by Doctor Low and Andro Mylne, chirurgeons, certifying that by reason of his wounds he could not travel and is in danger of his life, but none of defenders appearing, the Lords find the complaint proven, and ordain the defenders to be charged to enter in ward in the tolbooth of Edinburgh within six days after the charge, under pain of rebellion.

others for assault and wounding Scot.

The Lords continue to 7th December next the letters of suspension raised by William Kirkpatrik, younger of Kirkmichael, against Sir James Douglas of Drumlanrig, Johnne M^c^Coull in Over Garrell, and Robert Glendoning there.—Pursuer, appearing by Adam Cunynghame, and defenders, appearing by Jame Dowy, are warned hereof.

Kirkpatrick of Kirkmichael against Douglas of Drumlanrig and others.

Sederunt—Bishop of St Androis; Bishop of Glasgow; Lynlythqu; Lotheane; Bishop of Orknay; Bishop of Galloway; Bishop of Murray; Saltoun; Elphinstoun; Sanquhar; Torphechin; Bugcleugh; Blantyre; Master of Elphinstoun; President; Justice Clerk; Privy Seal; Advocate; Clerk of Register; Edzell; Quhittinghame; Kilsyth; Mr Petir Rollok; Sir Alexander Drummond; Logy; Foistersait; Sir William Hairt; Sir Andro Hammiltoun; Sir Johne Arnot.

Edinburgh, 23rd November.

Page 146. Sir William Hairt, principal justice depute, informs the Council that Johnne Stewart, son of the late James, Lord of Downe, having been yesterday pannelled for the murder of Johnne Gib (*ante*, p. 370), had humbly on his knees confessed the same, asked God and the party forgiveness, and become in his Majesty's will. Sir William therefore craves the Council's advice whether he should try Stewart by an assize or wait till his Majesty's pleasure shall be known. The Lords advise the justice to put Stewart to an assize, and, if he be found guilty, to cause doom to be pronounced against him; but ordain the execution of the doom to be superseded till his Majesty's will be known.—For sequel see Royal Letter of 1st December 1609.

Warrant to the justice to put John Stewart, sued for murder, to an assize.

Action by Peter Schaw, "meilmaker" in Leith, against David Liddell in West Barnis, as unrelaxed from a horning of 19th October last for not paying him 300 merks as principal and £40 for expenses.

Decree against James Liddell for debt.

Page 147. —Pursuer appearing, defender is to be apprehended for not compearing.

Complaint by Mr David Andirsoun, minister at Ballingrie, as follows:— On 20th October last, James Forrester, son of late James Forrester, brother of Forrester of Strathenrie, came to the complainer's house at the kirk of Ballingrie, where he was "at his study," and desired him to come out to his yard to speak to him. Complainer having come out,

To denounce James Forrester for assault on Mr David Anderson, minister at Ballingrie.

defender, after many threatening speeches, "in end maist inhumanelie tuke him be the hair of his beard, and with all his force ruggit the same, of purpois to have drawin furth the haill hair of his baird," and then drew forth his sword, attacked complainer therewith and "strak his richt airme frome him.—Pursuer appearing by Mr William Murray, parson of Dysert, Mr Thomas Hog, minister there, Mr James Wilsoun, minister at Kinglassie, Mr Johnne Chalmer, minister at Auchterdera, Mr Thomas Powte, minister at Leslie, all ministers of the presbytery of Kirkaldy, but defender failing to appear, the order is to denounce him rebel. Acta 1609-10. Page 148.

Decree against James Melville for debt.

Action by William Sandielandis of Sanct Monanis against James Melvill of Fadinche, as unrelaxed from a horning of 1st February last for not paying him 1000 merks as principal and £100 for expenses.—Pursuer appearing, defender is to be apprehended for non-appearance. Page 149.

Donald Fisher against Colquhoun of Luss for wrongous imprisonment.

Complaint by Donald Fischer, servitor to Coline Campbell of Blanarne, and by his said master, that, in July 1603, while he was travelling beside the place of Dunglass belonging to Alexander Colquhoun of Lus, Colquhoun apprehended him and committed him to prison in the pit of Dunglass, where he detained him a long time, liberating him only after reiving from him £30.—Both parties appearing, the Lords assoilzie Colquhoun, because they understand that he apprehended Fischer as suspected guilty of assisting the Clan Gregour at Glenfrune, and because Colquhoun has declared that he will prosecute Fischer before the justice for the said crime. Fischer is ordained to find caution in 500 merks to answer to the premisses by 8th February next; and Colquhoun is ordained to return him the said £30. Page 150.

Mr John Fairfoul committed to ward in Dundee for praying for the banished ministers.

Mr Johnne Fairfoull, minister at Dunfermelyne, appearing before the Council to answer as charged for praying for the restoration of the banished brethren (*ante*, p. 375), and Sir Thomas Hammiltoun being present for the King's interest, "the said Mr Johnne being demandit quhat warrand he had to pray for personis convict of heich treasoun, he declairit he had a warrand in Godis word to pray for all men, and declairit that he nevir thoght that the Kingis Majestie wes a persequutour, and he is sorye that his Majestie is offendit; and, in so fer as his Majestie is offendit, he acknowlegeis his offence and submittis himselff to his Majesteis will." The Lords find that he has committed "ane verie grite offence," and ordain him to enter in ward in the burgh of Dundie within six days hereof, under pain of rebellion. Page 151.

Forbes of Corsindae against Forbes of Monymusk and others for molesting a court of perambulation and for removing the marches fixed by the said court.

Complaint by William Forbes of Corsindae, as follows:—On 31st August last, being the third day of the court of perambulation held for dividing the marches between him and Alexander Calder of Aslowne, the persons of the inquest having passed from the court to the tent or pavilion built by the complainer on his lands for their use, Calder, accompanied by Hew Calder in Stanchgys, Patrik Calder in Dorsaill, Johnne and Alexander Calderis, his sons, Thomas Burnet of Enneth, Alexander and Thomas Burnetis, his sons, Adam Fraser in Findach, Page 152.

Acta 1609-10. Johne Lumsdene of Tullicarne, Johnne Forbes of Tillikerie, William Forbes, elder of Monymusk, William, Johnne, and Robert Forbessis, his sons, Robert Forbes in Inver, William Forbes, his son, Calder in Migvie, William Forbes of Polfluge, Johnne and James Forbessis, his sons, with others, all armed, came in an insolent manner, "pullit up the maist pair of the pinnis and standeris of the said pavilyeon and cuttit the haill towis and cordis thairof," with intention to smother and murder the said persons of inquest within the same, so as to render their decree ineffectual. Again, on 2nd September, the said Alexander Calder, accompanied and armed as above, came to the march decerned by the said persons of inquest to stand between him and complainer, and violently removed the same furth of the running water of , wherein it was placed.—Pursuer appearing, and said Alexander Caddell of Aslowne, Johnne Caddell in Stanchgyis, Patrik Calder in Dorsell, Johnne and Alexander Calderis, his sons, Johnne Calder in Megvy, William Forbes of Polfluge, Johnne Forbes, fiar thereof, James Forbes, his son, Adam Forbes of Fenyeach, Johnne Lumisdane of Tullicarne, Johnne Forbes of Tullikerie, William Forbes of Monymusk, and William, Alexander, Johnne and Robert Forbessis, his sons, being also present, the Lords assoilzie the defenders on their own oath of innocence. Farther, as it appears to the Lords that the object of the pursuer in making this complaint has been merely to draw the defenders to "fashrie," they ordain him to be committed to ward in the castle of Edinburgh.

Defenders assoilzied, and pursuer committed to prison for unjust accusation.

Page 153.

Page 154.

Arthour, Lord Forbes, binds himself in 10,000 merks, for the entry of Hucheoun M°Ky of Far before the Council, on the last Council day of February, to answer to the complaint of George, Earl of Caithnes.

Caution for the entry of Mackay of Farr.

Sederunts 1609-16, Fol. 4, b.

Coline Campbell of Blanarne binds himself in 500 merks to enter Donald Fisher, his man, before the justice by 8th February next, to answer for any crimes that may be laid to his charge.

Caution for Donald Fisher.

Fol. 5, a.

Sederunt—Bishop of St Androis; Wyntoun; Bishop of Murray; Torphechin; President; Comptroller; Master of Elphinstoun; Justice Clerk; Privy Seal; Advocate; Constable of Dundie; Kilsyth; Whittinghame; Sir Alexander Drummond; Sir Andro Hammiltoun; Fostersait; Logy; Sir Johnne Arnott; Sir William Hairt.

Edinburgh, 28th November.

Two commissions signed by his Majesty, one nominating James Stewart of Grymissay and Henry Sinclair of Teuche to be commissioners for the country of Orknay, and the other nominating Arthour Sinclair of Arth and Malcolme Sinclair of Quendaill to be commissioners for the country of Zetland, for keeping of the peace, having been read and considered, the Lords approve the same, and ordain them to be delivered to Sir Johnne Arnot or Mr William Browne, to the effect they may be expede through the seals.—See letter of 28th October 1609, among the Royal Letters.

Commissions for keeping the peace in Orkney and Shetland.

Edinburgh, 30th November.

Sederunt—Chancellor[1]; Bishop of Sanct Androis; Wyntoun; Bishop of Murray; Saltoun; Sanquhair; Torphechin; Blantyre; Bugcleuch; Master of Elphinstoun; President; Comptroller; Justice Clerk; Privy Seal; Advocate; Clerk of Register; Quhittinghame; Constable of Dundie; Kilsyth; Logy; M^cKanzie[2]; Sir Alexander Drummond; Mr Petir Rollok; Sir Andro Hammiltoun; Sir Lues Craig; Edzell; Sir Johnne Arnot; Sir William Hairt. Acta 1609–10. Page 154.

Caution for John Glendoning.

Caution by Alexander Gordoun of Hillis for Johnne Glendoning of Drumrasche in £1000, that he shall enter James and David Reidis in Stronsaskyne before the Council on 12th December next.

Caution for William MacKie.

Caution in 1000 merks by George Murray of Broughtoun for William M^cKie of Kirriequhirne, that he shall answer before the Council on 28th December next to the complaint of Nicoll Forsyth, burgess of Edinburgh. Page 155.

Charge for the entry of James Craw.

Order to charge the sheriff of Lanark to enter James Craw, now resident in Eglishame, before the Council on December next, that he may be examined as to his cognisance of the child-murder by Beatrix Weir (*ante*, p. 375).

Decree against Turnbull of Barnhills and son for debt.

Action by David Scott, son of late Johnne Scot, called of the Tour in Hawik, against Hector Turnble of Barnehillis, and Johnne Turnble, his son and apparent heir, as unrelaxed from hornings of 29th April and 15th August last for not paying complainer 537 merks 6s. 8d. as principal and £40 for expenses.—Pursuer appearing by Archibald Douglas, defenders are to be apprehended for not appearing. Page 156.

Decree against Seton of Parbroath for debt.

Action by George Rollok in Cragie, and Jonet Monorgound, his

[1] This is the first recorded reappearance of Chancellor Dunfermline in a sederunt since his departure for Court in the beginning of October last (*ante*, p. 364, footnote). As appears from previous sederunts, however, (*ante*, p. 371 and p. 374) the Bishops of St Andrews and Glasgow, who had gone to Court about the same time, had returned before him.—The visit had not been without results. The Bishops, according to Calderwood (vii. 52), had obtained from the King a continued postponement of that General Assembly which had been fixed by the last General Assembly for May 1609, but had been already postponed; they had obtained also his Majesty's assent to new forms of indicting a General Assembly when it should meet; and they had obtained an order from him, sent down to the Council and the Edinburgh clergy early in November, procuring for all the Scottish Bishops the privilege which they so much desired, and for which they had already applied, of free access to all the Edinburgh pulpits when they should find occasion to preach in the metropolis (see *ante*, p. 233, n). In the faith of this order "sindrie of the Bishops," says Calderwood, "were providing for their winter residence in Edinburgh." Nor had the Chancellor's visit to Court been less fruitful. When he returned he brought with him "a commissioun for diverse matters, and among the rest that the Sessioun [*i.e.* the Court of Session] should ryse the 25th day of December and not to sitt down till the eight of January." In other words the English institution of Christmas holidays was to be imported into Scotland.

[2] Though appearing here merely as "M'Kanzie," this Highland chief was now Lord Mackenzie of Kintail, having been raised to that peerage on the 19th of November last. On the same day Sir William Cranstoun, the energetic captain of the Border police force, had been created Lord Cranstoun of Crailing in Roxburghshire.

Acta 1609–10. spouse, against George Seytoun of Parbroith, as unrelaxed from a horning of 9th June last for not paying them a yearly duty of £80.—Pursuers
Page 157. appearing by Archibald Douglas, decree as above against defender.

Action by Edmond Trotter in Grenelaw against Johnne Reidpath, brother of Thomas Reidpath of that Ilk, as unrelaxed from a horning of 20th September last for not paying £122 as principal and 20 merks of expenses.—Pursuer appearing by a procurator, decree as above against defender. Decree against John Redpath for debt.

Page 158. The Lords assign to the King's Advocate, and Nicoll Forsyth, burgess of Edinburgh, the 28th December next for proving that William M°Kie of Kirriquhirne assaulted Forsyth with drawn sword in the burgh of Wigtoun on 1st November 1608, the said M°Kie being in company with William Mure, "who schote the said Nicoll in the shoulder with ane putrynell." Nicoll Forsyth against William Mackie for assault.

Complaint by James Baillie of Kerphin, as follows:—The presbytery of Hammiltoun urge him, under pain of excommunication, to give his oath of verity in the matter of a charge against him of adultery with Margaret Hammiltoun. Now, as the said crime imports the peril of his life, defenders are not the judges competent; and, as he is most willing to be tried by
Page 159. the justice, they ought to be discharged from farther proceeding against him.—Charge had been given to Mr Thomas Mureheid, moderator, and minister of Cambusnethein kirk, Mr James Hammiltoun, minister at Dalserff, Mr Archibald Normond, minister at Strathavin kirk, Mr Alexander Thomesone, minister at Stanehouse kirk, and Mr Alexander Boyd, minister at Bothwell kirk, all ministers of the said presbytery, to answer; and now, pursuer appearing by Johnne Robene, the Lords discharge the defenders of all proceedings against Baillie, because none of them have appeared to show cause to the contrary. Baillie of Carphin against the presbytery of Hamilton for illegally prosecuting him for adultery.

Sederunts 1609–16, Fol. 5, b. The Comptroller and Sir Johnne Arnott nominated to examine the clerk of cocquet of Edinburgh, and others who give certificates on uncustomed goods imported from England, and to report on Tuesday week as to the form and manner of such certificates. Anent uncustomed goods imported from England.

Sederunt—Chancellor; Bishop of St Androis; Bishop of Murray; Bishop of Ros; Bishop of Brechin; Bishop of Orkney; Wyntoun; Bishop of Abirdeyne; Torphichin; President; Privy Seal; Advocate; Clerk of Register; Edzell; Quhittinghame; M°Kanzie; Kilsyth; Preistisfeild; Sir Johnne Arnott. Edinburgh, 5th December.

Fol. 6, a. George, Archbishop of St Androis, undertakes to exhibit by this day 20 days the rights whereby he claims the customs and cocket seal of St Androis as pertaining to him. Anent the customs of St Andrews.

According to a warrant signed by His Majesty, the act of caution by Mathew Baillie of Littilgill for Johnne Baillie, his brother, to answer before the Council when required, is deleted furth of the books of Council. Caution for John Baillie.

Commission to apprehend Thomas Bisset, accused of theft.

The Lords understanding that, on last, Thomas Bisset, sometime servitor to Sir James Balfoure of Pitcullo, had stolen from the said Sir James certain goods and gear, commission, passed under the signet, and signed by the Chancellor, St Androis, Wintoun, Sanchair, and Torphechin, is given to Johnne Gordoun of Boigis, sheriff depute of Abyrdene, and the said Sir James, to apprehend Bisset and to enter him before the justice. Commissions, Fol. 43, a.

Edinburgh, 7th December.

Sederunt—Chancellor; Bishop of Sanct Androis; Mortoun; Murray; Wyntoun; Tullibardin; Bishop of Ros; Bishop of Murray; Bishop of Orknay; Bishop of Abirdene; Saltoun; Sanquhair; Elphingstoun; Torphechin; Scone; Blantyre; Master of Elphinstoun; President; Privy Seal; Justice Clerk; Advocate; Clerk of Register; Quhittinghame; M°Kanzie; Constable of Dundie; Mr Petir Rollok; Sir Alexander Drummond; Preistfeild; Logy; Sir William Hairt; Sir Johnne Arnote. Acta 1609-10. Page 159.

Act for a new impression on the coinage.

According to his Majesty's warrant, the Lords ordain the sinker of the cunyiehouse to "mak and ingrave new irnis for imprinting of the coyne of his Majesteis gold and silver," and the officers of the cunyiehouse to proceed to the working of the gold and silver according to the new impression so to be engraved.—For the nature of the alteration see the King's Letter of 10th November 1609. Page 160

Charge to Mr John Fairfoul to appear before the Council for re-examination.

Order to charge Mr Johnne Fairfoull, minister at Dunfermeline, to come to Edinburgh on 14th instant, under pain of rebellion, to be re-examined before the Council on the day following touching his "praying for some persones of the ministerie who standis under the proces of a capitall convictioun" (*ante*, p. 378). He is accordingly to be relieved of his present ward in the burgh of Dundie.

Charge to Andrew Small in Kethens and certain others to find caution for keeping the peace.

There being a "verie grite variance" between Andro Small of Kirkland of Ketynis, Thomas, William, George, and Andro, his sons, James Small in Foderance, Thomas Small in Petie, James and Andro, his sons, James Small in Latoun, James Haliburtoun, portioner of Petie, James, his son, George Haliburtoun of the mill of Ketynis, Andro and David Ogilvyis there, David Tyrie in Navay, Robert Jak, portioner of Balbregy, Ramsay of Ketynes, James Nasmyth of Inver, Thomas Small in Corstoun, Andro Gray of Bulzeoun, James Small, brother of George Small of Foderance, James and Andro Grayis, brothers of late Petir Gray of Ballegenoch, on the one part, and Robert Pittilloch at the mill of Kynnochtrie, Johnne Pittilloch, his brother, and James Pittilloch younger in Couper of Angus, on the other part,—"wherethrow that pairt of the cuntrey is verie fer disquieted,"—there is order to command both parties to find caution in the following sums, within ten days after being charged, under pain of rebellion:—Andro Small of Kirkland, James Haliburtoun, portioner of Petie, Andro Gray of Bulyeoun, James Nasmith of Page 161.

Acta 1609-10. Inver, James Small of Fotherance, Thomas Small, son of Andro Small of Ketynis, and Robert Pittilloch, in 1000 merks each, and each of the others in £500.

Decree against Gilbert Boyd and others for non-fulfilment of contracts and decrees.

Action by Johnne Neilsoun of Craigcaffie, Marjorie Strang, his spouse, and Gilbert Neilsoun, his son, heritable feuar of the mill of Innermessane, against the following persons, as unrelaxed from the following hornings of 21st October last:—Gilbert Boyd of Leswalt, and William Boyd, his brother, sons of Quintene Boyd of Ardocher, for not warranting to said Johnne Neilsoun and his spouse, as by contract of 1st June 1592, the corn and waulkmills specified in said contract, in the watergangs,
Page 162. multures, and liberties thereof; and Gilbert Boyd of Killurpedy and Johnne M°Garroche for not paying to Gilbert Neilsoun their part of "the taxt dry multuris of the said mylne of Innermessane, knaifschip, bonnok, look, and utheris," mentioned in a decree obtained by him before the Council and Session on 14th March last,—extending to the thirteenth corn of all corns growing on the lands mentioned in the said decree,—and also, for not bringing timber and stone to the said mill, and for not paying six pennies for each merkland possessed by them for "theyking of the said mylne and casting of the wattergaitis thairof."—Pursuers
Page 163. appearing by Archibald Douglas, defenders are to be apprehended for non-appearance.

Alexander Cumming against Allaster Mac-Ianreoch for assault and houghing.

Complaint by Alexander Cumyng in Easter Farlettir, and Duncane M°Hymmie and Cumyng, his servants, that Allaster M°Eanreoch in Wester Farlettir and others came to the lands of Easter Farlettir, searched there for the said Alexander of purpose to slay him, and, not finding him, assaulted his said servants with "grite caberis and rungis," left them for dead, and then cut the tails from kye belonging to said Alexander.—Pursuers appearing by George Leslie of Toldaw, defender is to be denounced for not compearing.

Page 164. Fotheringham of Powrie and Fullarton of Crago against the Earl of Crawford and others for riot and using fire-arms.

Complaint by the King's Advocate, and by Thomas Fothringhame of Powrie and William Foullertoun of Crago, as follows:—In October last, while Foullertoun, accompanied by Fothringhame, and Johnne Ogilvy and Andro Andirsoun, servants to Fothringhame, was returning from Dundie, to which he had gone at the earnest request of late Johnne, Lord Lindsay, true it is that David, Earl of Craufurd, in violation of his assurance given to Foullertoun at Lord Lindsay's procurement, and accompanied by David Lindsay of Querrelhill, Thomas Bruntfeild, Mr James Eliot, parson of Fynnevin, James Bannatyne, Gilbert and Alexander Ryndis, William Stewart, Robert Cowis, William Lyoun, James Narne, Alexander Lindsay, son of David Lindsay of Achnudy, all servitors of the said Earl, with others, all armed with certain weapons, including hagbuts and pistolets, waylaid the complainers in the highway within a mile of the said burgh, and with drawn swords and bended pistolets pursued them for their lives, chased them to the cross of Dundie, discharged pistolets at them,
Page 165. shot through the body a gentleman who was not in the complainers' company, and would have taken the lives of some of the complainers if

they had not been relieved by inhabitants of said burgh.—The King's Advocate and Foullerton appearing, and said Thomas Bruntfeild being also present without being sued by the complainers, but none of the other defenders appearing, the Lords assoilzie all the defenders, because pursuers have failed in their proof.—See Royal Letter of 30th November 1609. Acta 1609-10.

Decree against Sir Andrew Ker of Fernihirst and others for debt.

Action by Petir Algeo, writer in Edinburgh, against Sir Andro Ker of Phairnyhirst, as principal, and George Moscrop and Andro Rutherfurde, bailies of Jedburgh, as cautioners for him, for remaining unrelaxed from a horning of 30th June last for not paying complainer, as assignee to Mr George Fraser, burgess of Edinburgh, 600 merks as principal and £100 for expenses.—Pursuer appearing, defenders are to be apprehended for not appearing. Page 166.

Decree against Montgomery of Smithston for debt.

Action by Johnne Couper of Wester Brigend of Kilwyning, and Agnes Montgomerie, his spouse, against Hew Montgomerie of Smeithstoun, and Agnes Crawfurd, his mother, for remaining unrelaxed from a horning of 13th May 1608 for not paying complainers the annualrent of 25 merks wherein they are infeft furth of the four merkland of Smeithstoun from 1572 to Whitsunday 1607, and for not paying them £20 for expenses and 40s. of collector-silver.—Couper appearing, decree against Montgomerie (alone cited) as above. Page 167.

Gordon of Achanachy against George Murray and others for hamesucken and assault.

Complaint by Johnne Gordoun, younger of Achanachie, and Issobell Gordoun, his sister, that, in August last, George Murray in Millegin, and Andro and Johnne Murrayis, his sons, accompanied by Thomas Dempster of Auchterles, Alexander Coupland, uncle of Coupland of Udach, Andro Coupland, his brother, Johnne Murray in Achmull, James Murray in Achinbo, James, Johnne, George, and Andro Murrayis in Bogheid, William Elleis in Achinbo, Andro Murray in Boginspro, George and Andro Noreis in Newbigging, Robert Dempster in Cusny, Thomas Coker, miller at Knokleith, Alexander Fordice in Knychtismylne, Robert Thomesoun in Knok, Johnne Murray in Cantlie, and William Patirsoun in Achmull, with others to the number of one hundred, all armed, came by way of hamesucken to the complainer's house of Achanachie, made a diligent search for him, and, missing him, assaulted with drawn swords and dirks his said sister, Thomas Gordoun, son of said Johnne, a young boy not past the age of 4 years, and Jonet Thomesoun, their servant, "and left thame lyand for deid, bleidand at mony pairtis of thair bodyis."—Pursuer appearing, the defenders are to be denounced for non-appearance. Page 168. Page 169.

John Gordon, younger of Avachy, committed to ward.

Adam Gordoun of Innerbuchat, having become cautioner for Johnne Gordoun, apparent of Avachie (Awachie), that he would this day answer before the Council touching the reset of Adam Gordoun, brother of the said Johnne and a rebel, now appears, and protests that, in respect no person has appeared to pursue him, he and his surety shall be relieved of the said Act. The Lords admit the protest, but ordain the said Johnne to be of new committed to ward, conform to the said Act.

Action against some Bruces of Airth and

Complaint by Alexander, Lord Elphingstoun, and by the King's Advocate for his Majesty's interest, as follows:—Albeit the "taking of frie

Acta 1609-10. Page 170.

personis" be a crime "verie straitlie forbidden" in this and in all other well-governed commonwealths, yet Patrik Bruce, brother of Sir Johnne Bruce of Airth, George Bruce, son of Captain James Bruce, Bruce, son of Captain Andro Bruce, Alexander Guidlet, servitor to the said Sir Johnne, Daniell Brice in Airth, Adam Robieson, collier there, and David Aikin at the Horse-mill in Airth, with others to the number of twenty-four persons, all armed, came on 13th November last, at midnight, to Lord Elphingston's lands of Elphingstoun, and to the house of Johnne Baochok, his poor cotter there, where George Morysoun, David and Adie Morisonis, his sons, and Margaret Morisoun, his daughter, were in their beds, broke up the doors, assaulted the poor people, and took away the four Morisonis, whom they still detain as prisoners.—Pursuers appearing, and

age 171.

of the defenders said Patrik Bruce only appearing, the Lords assoilzie the said Patrik because he has deponed on oath as follows:—The Morysons, being in service with the said Sir Johnne at his heugh of Airth, had "quietlie convoyit thameselffis away from his service"; whereupon deponer, with six persons only, "past in peciable and quiet maner the tyme libellit to the said Johnne Brachok house, quhair the saidis personis wer for the tyme, and, having choppit at the dure thairof, and the dure being oppynnit, the saidis personis come willinglie bak agane with thame." There was no breaking up of the doors, and no assault; and, the said persons "being servandis to the Erll of Mar at his coilheuch," and having withdrawn themselves from his service, the said Laird of Airth had, upoun information to that effect from the Earl of Mar, sent them back to the Earl.—The absent defenders are to be denounced rebels.

others for wrongful apprehension of certain poor persons.

James Dowy, writer, appears as procurator for Sir James Douglas of Drumlangrig, Johnne M'Coull in Over Garrell, Robert Glendoning there, and the other tenants of the lands of Over Garrell, and gives in a copy of the letters raised by William Kirkpatrik, younger in Kirkmichaell, charging the persons foresaid to produce this day the letters of horning

ge 172.

used against the said William, with a view to the suspension of the same. —Kirkpatrik failing to appear, Dowy protests that the said letters shall be put to farther execution; and the Lords admit the protest and ordain accordingly.

Protest for Douglas of Drumlanrig.

lerunts, 9-16. l. 6, a.

Caution by William, Earl of Mortoun, for David, Earl of Crawfurde, in 10,000 merks, that he shall not harm Williame Fullartoun of Crago or his dependents.

Caution for Earl of Crawford.

l. 6, b.

Letter to be written to the King in favour of Mr Charlis Lummisden and Mr Henry Charterhous, "acquenting his Majestie with the rebellioun of Thomas and Robert Lummisdenis [? who] attendis at Court, and ar denunceit rebellis at the instance of these personis."

Anent two rebels at Court.

Letters to be written to his Majesty anent the petition of Hary Freiland craving to be relieved furth of his present ward in the tolbooth of Perth.

Harry Freeland.

Charge to be given to Mr Johnne Fairfoull to answer before the Council on 14th instant touching his former depositions.

Mr John Fairfoull.

Edinburgh, 11th December.

Sederunt—Chancellor; Mar; Bishop of St Androis; Scone; President; Advocate; Privy Seal; Sir Johnne Arnott. Sederunts, 1609–16. Fol. 7, a.

Order to execute John Stewart.

According to the King's warrant, the Council ordain the provost and bailies of Edinburgh to take Johnne Stewart, son of the late James, Lord of Doune, out of ward in their tolbooth to the Castle Hill, and there to cause execute him, conform to the doom pronounced against him.—See Royal Letter of date 1st Dec. 1609.

Order for the stricter keeping of the Earl of Crawford in his lodgings.

David, Earl of Craufurde, not having remained in his lodging till sent for by the Council for trial of the complaints between him and William Foullartoun of Crago, conform to the charge given to him, so that, when a bailie of Edinburgh had been sent to convoy him to the Council, he could not be had, the Captain and Lieutenant of the Guard are ordained to keep him till he be called for by the Council.

Edinburgh, 12th December.

Sederunt—Chancellor; Bishop of St Androis; Wyntoun; Home; Lotheane; Perth; Tullibardin; Bishop of Orknay; Bishop of Murray; Bishop of Dunkeld; Bishop of Brechin; Bishop of Dunblayne; Saltoun; Sanquhair; Torphechin; Bugcleuch; Scone; Blantyre; Master of Elphinstoun; President; Justice Clerk; Privy Seal; Advocate; Clerk of Register; Constable of Dundie; M^{c}Kanzie; Kilsyth; Quhittinghame; Mr Petir Rollok; Foistersait; Sir Johnne Arnot; Sir William Hairt. Acta 1609–10. Page 172.

Glendoning of Drumrash.

Johnne Glendoning of Drumrasche having appeared and entered James and David Reidis in Stronsaskyne, conform to his act of caution, the Lords ordain him to put them to liberty, on their finding caution in 300 merks each to answer before the justice when warned.

Earl of Crawford released and caution found for him.

David, Earl of Craufurde, appears before the Council, and acknowledges his offence in going out of his lodging contrary to the charge given to him. In respect whereof the Lords ordain him to be no longer detained prisoner by the Lieutenant of the Guard. Farther, Walter, Lord Scot of Bugcleuch, becomes surety for him in 20,000 merks, that by 21st instant he shall satisfy Patrik Whytelaw, Petir Sandersoun, tailor, Johnne Stratoun, William Baillie, and the relict of Laurence Ferquhar, anent the sums of money due by him to them. Sederunts, 1609–16. Fol. 7, b.

Edinburgh, 14th December

Sederunt—Chancellor; Bishop of St Androis; Wyntoun; Bishop of Murray; Bishop of Ros; Sanquhair; Scone; Master of Elphingstoun; President; Comptroller; Privy Seal; Advocate; Justice Clerk; M^{c}Kanzie; Quhittinghame; Sir Alexander Drummond; Kilsyth; Bruntiland; Mr Petir Rollok; Preistfeild; Logy; Sir William Hairt; Sir Johnne Arnote. Acta 1609–10. Page 173.

Decree against Hamilton of Dalbeg for debt.

Action by James Rae, merchant in Edinburgh, against James Hammiltoun of Dalbeg, as unrelaxed from a horning of 11th August last for not

Acta 1609–10. Page 174. paying him £106, 4s. 8d. as principal and £13 for expenses.—Pursuer appearing, defender is to be apprehended for non-appearance.

Action by Thomas Young, son of Thomas Young, writer, against Sir James Sandielandis of Slamannane, as unrelaxed from a horning of 30th November last for not paying complainer, as assignee to Johnne Howstoun of Leny, the sums mentioned in the letters obligatory made by Sir James to Howstoun, of date 23rd November 1606, with the byrun annuals of the same.—Pursuer appearing by Johnne Howstoun of Leny, decree as above against the defender. Decree against Sir James Sandilands for debt.

Page 175.

Action by Thomas Bruntoun of Greirstoun against Johnne Traill, elder of Blebo, as principal, and Johnne Traill, fiar of Blebo, and James Borthuik, son of James Borthuik of Lochgill, as cautioners for him, for remaining unrelaxed from hornings of 24th and 25th July last for not paying complainer £148 as principal and 40 merks of expenses.—Charge had been given to the principal, and Johnne Traill, his son, to answer; and now, pursuer appearing by William Ker, there is decree as above against the defenders. Decree against the Traills of Blebo, elder and younger, for debt.

Page 176.

Action by Patrik Leverance, messenger, against William Bannatyne of Gairsey, as unrelaxed from a horning of 28th June last for not paying him £100 as principal and £20 for expenses.—Pursuer appearing, decree as above against defender. Decree against Bannatyne of Gairsay.

Action by Archibald, Lord Elphingstoun, against Waltir Buquhannane of Spittell, Johnne Buquhennane, elder in Blairlosk, Robert Buquhennane in Blairnyle, Mungo Naper in Mylnetoun, Thomas Buquhennane in Balloche, Robert Buquhennane in Mylnetoun, Patrik M°Lintok there, Effie M°Condoquhie, widow, in Balloch, Jeane Calbraith in Blairhoise, and Alexander Gairdner in Blairnyle, as unrelaxed from a horning of 8th November last for not paying complainer, as assignee to Sir James Erskin of Craig, and dame Marie Erskin, his spouse, 8 merks each for every boll of teindmeal owing by them for the duty of the lands occupied by them in the parish of Balmarannok for the years 1607 and 1608.—Pursuer appearing by Alexander Lyntoun, decree as above against the defenders. Decree against Walter Buchanan and others for debt.

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Page 178.

Action by George Broun, brother of James Broun in Dudingstoun, and maltman in Edinburgh, against Alexander Stewart, portioner of Strabrok, and James Stewart, his eldest son, portioner there, as unrelaxed from a horning of 4th November last for not paying the complainer £500 as principal and the byrun annuals thereof since 27th September 1591, the date of the contract between him and the defenders as principals and James Cochrane of Blakcraig and James Polwart of Cowstoun as sureties for them.—Pursuer appearing, decree as above against defenders. Decree against Alexander and James Stewart for debt.

Page 179.

Action by James Flemyng, merchant in Glasgow, against Alexander Stewart, son of Johnne Stewart of Roisland, as unrelaxed from a horning of 20th October last for not paying him £113, 3s. 1d. as principal and £30 of expenses.—Pursuer appearing by Archibald Douglas, decree as above against defender. Decree against Alexander Stewart for debt.

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Action by George, Earl of Dumbar, treasurer, against Alxander Fraser

Decree against Alexander Fraser for debt.

of New Forrest, as unrelaxed from a horning of 16th May last for not paying him £1000, with 1000 merks specified in the letters of horning.—Pursuer appearing by Mr William Broun, decree as above against defender. Acta 1609-10.

Caution for Lord Sanquhar.

Caution by Walter, Lord Scott of Bugcleuch, for Robert, Lord Creichtoun of Sanquhair [incomplete]. Sederunts, 1609-16. Fol. 7, b.

Edinburgh, 19th December.

Sederunt—Chancellor; Bishop of St Androis; Craufurd; Mar; Mortoun; Wyntoun; Lowthiane; Tullibardin; Bishop of Ross; Bishop of Murray; Bishop of Brechin; Bishop of Dunblane; Saltoun; Sanquhair; Torphechin; Scone; Bugcleuch; Blantyre; Master of Elphinstoun; President; Privy Seal; Justice Clerk; Advocate; Clerk of Register; Quhittinghame; M^cKanzie; Comptroller; Sir Robert Melvill; Constable of Dundie; Foistersait; Mr Petir Rollok; Logie; Sir Michael Elphinstoun; Sir Johnne Arnote. Acta 1609-10. Page 180.

Proclamation to prevent merchandise brought from England custom free from being exported to foreign countries in defraud of his Majesty's customs.

"Forsamekle as the Kingis Majestie, for removeing of all markis and notis of separatioun betuix thir his Majesteis two antient kingdomes, formerlie distinct in severall monarchyis, and now by Godis providence and his Majesteis undoubtit rycht unite in his Heynes persone, wes pleasit to dischairge the uplifting of all customes for any native commodityis, ather exported or imported to eyther kingdome; and, to the effect thair sould be no prejudice done to his Majesteis dew customes, and that these who did cary away suche uncustumat goodis, upoun informatioun that they wer to be transported to some pairt of his Majesteis dominionis for the use of his Heynes awne subjectis, sould not, upoun desyre of filthie lucre and gayne, cary these goodis to foreyne pairtis, and sua defraud his Majestie of his dew customes: Thairfore by the Commissioners of boith kingdomes in the Tratie of the Unioun it wes thoght expedient and ordanit that all suche personis who did carye ony suche uncustumat guidis sould be boundin to returne testificatis of thair landing of these goodis in some pairtis of his Majesteis dominionis, as in that article of the Treaty of the Unioun moir fullie is contenit. Nevirtheles, it hes bene complenit to the Kingis Majestie that mony of the merchantis and trafficquairis of this kingdome who ressaves the native commoditeis of England custome frie upoun informatioun that thay wer to be transported to this kingdome doeth not returne thair testificatis upoun thair landing of the saidis goodis in this kingdome, conforme to ane article foirsaid of the said Treatye; and, gif some few testificatis be returnit, that the saymn ar informall, boith in forme and mater, being writtin on paper, wanting a seale, and not contening the quantitie of the goodis landit, wherby the merchantis and trafficquairis of this kingdome doeth undirly mony sclanderous and havie imputationis, as gif thay preferrit thair filthy lucre and gayne to thair conscience and honnestie, and to the obedience of his Majesties lawis, besydis the evident and probable presumptionis cleirlie appeiring that the saidis goodis broght be thame frome England Page 181.

Acta 1609-10. custome frie ar transportit to foreyne cuntreyis, and his Majestie thairby defraudit of his customes. Whilk gevis no litle mater of offence to his Majestie, that his native subjectis of this kingdome, whome his Majestie so tenderlie and cairfully respectis, and whose credite and reputatioun his Majestie doeth so far advance, sould in suche unworthie and triffling materis oversie thameselffis and undirgo suche imputationis. Thairfore the Lordis of Secrite Counsale ordanis letters to be direct chargeing officeairis of airmes to pas to the mercat croceis of the heid
Page 182. burrowis of this realme and utheris placeis neidfull, and thair be oppin proclamatioun to intimye and declair to all and sindrie personis his Majesteis subjectis who sall set bandis for returneing of certificatis in maner foirsaid that, if thay returne not the same certificatis in dew and autentik forme according to the tennour of thair bandis, that thay sall forfeyte thair saidis bandis, and the same forfeytis salbe intrometit with and uplifted with all rigour, and thay utherwyse punischeit as accordis. As alsua to command and chairge the officeairis who ar authorized with pouer and commissioun to draw up the saidis certificatis, that thay write the same on parchement, contening ane particulair enumeratioun of all the goodis imported, and that thay seale and subscryve the same, undir the pane of deprivatioun of thame frome thair officeis: Inhibiteing and dischairgeing all and sindrie personis quhatsumevir, except these who ar lauchfully authorized with pouer and commissioun to draw up the saidis certificatis, that thay on nawyse presome nor tak upoun hand to draw up, write, seale or subscryve ony suche certificatis, undir the pane to be punist thairfore in thair personis and goodis with all rigour, to the terrour of utheris to do the lyke."—See Royal Letter of date 10th November 1609.

Robert Napier against President Sir John Preston for violating the conditions of his custody of complainer's wife, Bessie Turnbull

Complaint by Robert Naper, son of William Naper of Wrichtishoussis, as follows:—On 13th April last the complainer's wife, Elizabeth Turnbull, had been "sequestrat" by the Council in the hands of Sir Johne Arnote, provost of Edinburgh (*ante*, p. 276), and on 15th May last [?13th Junè] she had been transferred from his keeping to that of Mr Johnne Prestoun of Pennycuke, president of the college of justice (*ante*, p. 299). Now, immediately after the said Elizabeth's "sequestratioun" in the Lord President's hands, her father, William Turnbull, "impute" a servant,
Page 183. Margaret Skrymgeour, to remain in her company in the Lord President's house, and this "for accomplischeing and effectuating of his malice consavit aganis the said complenair, in withdrawing the guidwill, favour, and benevolence of his said spous alluterlie frome him, to the effect he mycht easier found his actioun of reductioun of the said mariage." On the pursuer's complaint to the Council, he had obtained their warrant to the Lord President for removing the said Margaret Skrymgeour from the company of his spouse; but the Lord President still permits the said Margaret to remain at bed and board in the place of Brunstoun and in this burgh with complainer's said spouse, and also permitted the said Margaret's mother to be at Brunstoun divers days; while, on the other hand, the President and his servants have debarred the complainer from entry to

the President's house, but permit his said spouse to go to her father's house, and allow her father, and Jonet Bowston, his spouse, and their friends, to have daily and hourly access to her,—the Lord President's wife and family all the while showing their partiality by "requeisting and solisting" against complainer in the action on hand; all which is contrary to the ordinance of their Lordships (*ante*, p. 282).—The President, William Turnbull of Airdrie, and complainer, all appearing personally, the Lords ordain the said Bessie Turnbull to remain with the Lord President till the action before the commissaries of Edinburgh for reducing and annulling her marriage with complainer be decided. Acta 1609-10. Page 184.

Edinburgh, 20th December. Ordinance concerning two companies of Irishmen driven to Scotland on their voyage to Sweden for military service.

Two companies of Irishmen who, under the command of Captains Johnne Maistertoun and Thomas Leichfield, had shipped in Ireland for Swaden, by "expres command" of his Majesty, having been driven by "contrarious windis" to land at Petirheid, and many of them, with their captains, having come to Edinburgh, and some to Fyff, proclamation is ordered at the market cross of Edinburgh, charging all the said Irishmen, under pain of death, to obey their captains in everything, not to depart from them, and be ready to re-embark for Swaden on the first opportunity. As, however, they have spent all their victuals, the Lords "being loath that ony of his Majesties princelie directionis occurring in this kingdome salbe neglected," ordain Sir James Hay of Fingask, comptroller, and Sir Johnne Arnote, treasurer-depute, to pay to the said two captains 1000 merks Scots for purchase of victuals. Pages 184 and 185.

Edinburgh, 21st December.

Sederunt—Chancellor; Bishop of St Androis; Wyntoun; Home; Lotheane; Bishop of Ros; Bishop of Orknay; Bishop of Murray; Bishop of Brechin; Saltoun; Sanquhair; Torphechin; Scone; Bugcleuch; Blantyre; Master of Elphinstoun; President; Comptroller; Privy Seal; Justice Clerk; Advocate; Constable of Dundie; Quhittinghame; Kilsyth; M'Kanzie; Bruntiland; Sir Alexander Drummond; Mr Petir Rollok; Foistersait; Sir Andro Hammiltoun; Logy; Sir Johnne Arnot; Sir William Hairt.

Suspension of horning obtained against the Captain of Crawford by Hamilton of Liberton.

Complaint by Johnne Carmichaell of Medowflat, captain of Crawfurd, that he is put to the horn at the instance of the late James Hammiltoun of Libertoun for not having relieved him of his caution in £2000 for the late Sir James Johnstoun of Dunskellie. As complainer bound himself for Hammilton's relief only till James Johnstoun of Westraw should deliver to Hamiltoun a sufficient obligation for his warrandice, and as this had been done, and Hammiltoun consequently, on 26th June 1600, had discharged complainer of his caution in relief, and as complainer has nevertheless found caution to relieve James Hammiltoun, now of Libbertoun, son and heir of said James, of the said caution, the said horning should be suspended.—Pursuer appearing, but not Hammiltoun, the Lords do suspend the horning. Page 186. Page 187.

Acta 1609–10.

Action by Matthew Baillie of Littlegill against James Johnnstoun of Westraw, as unrelaxed from a horning of 20th January 1601 for not paying him, as assignee to the late Jean Hammiltoun, Lady Lamyngtoun, his mother, the sums mentioned in a decree before the Council and Session on 10th January 1597, with £12 for expenses of the plea and sentence silver; also against Robert Weir of Halcraig, as principal, and James, William, and Thomas Weiris, his brothers, and William Hammil- Page 188. toun of Dalserf, as cautioners, denounced on 23rd October last for not paying pursuer £440 as principal and £50 for expenses.—Pursuer appearing, defenders are to be apprehended for non-appearance.

Decree against Johnstone of Westraw and others for debt.

Action by David Mitchell, merchant in Edinburgh, against Sir Harie Lindsay of Carrestoun, as unrelaxed from a horning of 28th June last for Page 189. not paying him 2000 merks as principal and 300 merks for expenses.—Pursuers appearing by Johnne Rynd, decree as above against defender.

Decree against Sir Harry Lindsay for debt.

Action by Cuthbert Cunynghame, provost of the college kirk of Dunbertane, and George Foullis, goldsmith in Edinburgh, against Archibald and William Cunynghames, sons of late Donald Cunynghame of Aikinbar, as unrelaxed from hornings of 22nd and 28th August for not relieving pursuers, as sureties for said Donald, of payment to Mr William Page 190. Oisteane, doctor of medicine, of 400 merks as principal and 80 merks for expenses, and for not paying them other 80 merks.—Pursuers appearing by James Nicoll, decree against the said Archibald (alone cited) as above.

Decree against Archibald Cunningham for not relieving his cautioners.

Action by Barnard Stewart, tacksman of the lands of Innermay, against Sir Robert Grahame of Scottistoun, as unrelaxed from a horning of 23rd Page 191. December last for not removing from the Mains of Innermay, with the fortalice thereof, as by decree of Council on 20th November last.—Pursuer appearing, decree as above against defender.

Decree against Sir Robert Grahame for not removing from certain lands.

Complaint by William Irwing, elder, in Auchilfechin, and William Irwing, his son, that they are put to the horn by Johnne Maxwell of Conhaith for not having answered before the Council touching their alleged coming with a number of outlaws to the place of Kirkconnell, Page 192. belonging to Maxwell, surprising the same, and "stuffing" it with men and armour. As they were never lawfully charged to appear, and had found caution, each in £500, to answer this day, and to pay each 40 merks for his escheat, the said horning should be suspended.—Pursuers appearing, but not the defender, the Lords do suspend the letters of horning.

Suspension of horning obtained against William Irving and his son by Maxwell of Conhaith.

Page 193. Action by William Naper of Wrichtishoussis against Sir Johnne Wischert of Pittarro, as unrelaxed from a horning of 30th November last for not paying him 1650 merks.—Pursuer appearing, decree as above against defender.

Decree against Sir John Wishart for debt.

Action by Sir David Hering of Lethindie against James Stewart in Edinburgh, as unrelaxed from a horning of 20th October last for not relieving pursuer, as cautioner for him, at the hands of Robert Stewart, son of late Johnne Stewart of Neilsonsyde, of payment of 600 Page 194. merks as principal and 200 merks for expenses.—Pursuer appearing by Robert Stewart, decree as above against defender.

Decree against James Stewart for not relieving his cautioner.

Action by Nicoll Blair, merchant in Perth, against the following persons,

Decree against Thomas Gray of Buttergask for debt.

as unrelaxed from the following hornings:—Thomas Gray of Buttirgask, denounced on 21st September last for not paying pursuer 240 merks as principal, £10 for expenses and £10 for expenses of plea, and for not paying him, as assignee to Jean Andirsoun, relict of Gilbert Blair, burgess of Perth, the prices of 3 bolls of victual, half bear and half oatmeal, as specified in the letters of horning; Gilbert Gray in Buttirgask, denounced on the same day for not making furthcoming to pursuer forty bolls of victual, half meal and half bear, owing by him to the said Thomas for the year 1607, and arrested in his hands.—Pursuer appearing, decree against Thomas Gray (alone cited) as above. Acta 1609-10. Page 195.

Resumed action by Lord Elphinstone against George Bruce and others.

Resumption of the action at the instance of Alexander, Lord Elphingstoun, against George Bruce, Alexander Guidlet, Adam Robsoun, and David Aikin, for the violent abduction of George Morisoun, David and Adam, his sons, and Margaret, his daughter, from the house of Johnne Baochote on the night of 13th November last (*ante*, p. 385).—Alexander, Master of Elphingstoun, appearing for his father, and the King's Advocate and the said defenders being also present, the Lords assoilzie all the defenders for the reasons foresaid (*ante*, p. 385). Page 196.

Decree against the Earl of Crawford for debt.

Action by Robert Weddirburne, younger, merchant in Dundie, against David, Earl of Craufurde, as unrelaxed from a horning of 3rd October last for not paying him £1020 as principal and £200 for expenses.—Pursuer appearing, defender is to be apprehended for not appearing. Page 197.

Decree against David Leslie and Mr John Caldcleuch for debt.

Action by William Donaldsoun, second son of late Mr James Donaldsoun, advocate, and Marioun Fischer, mother and tutrix testamentary of the said William, against David Leslie of Ottirstoun and Mr Johnne Cauldcleuch, as unrelaxed from hornings of 18th and 20th February last for not paying complainers 1150 merks as principal and £80 for expenses, with an annualrent of 10 merks.—Pursuers appearing by Robert Stewart, decree as above against the defenders. Page 198.

Decree against the Earl of Atholl for debt.

Action by Johne Alschunder, merchant in Edinburgh, against James, Earl of Athoill, as unrelaxed from hornings of 13th and 15th instant for not paying him 3604 merks as principal and 300 merks for expenses.—Pursuer appearing, decree as above against defender. Page 199.

Decree against Robert Grahame for debt.

Action by Sir William Hairt of Prestoun, principal justice depute, against Robert Grahame, sometime of Thornik and now of Cairny, as unrelaxed from a horning of 10th March 1608 for not paying complainer, as assignee to Mr Patrik Lindsay, citizen of St Androis, and Beatrix Fergusoun, his spouse, 1100 merks as principal and £40 for expenses.—Pursuer appearing personally, decree as above against defender. Page 200.

Act finding that the Earl Crawford has satisfied certain of his creditors.

Sir James Balfour of Pittilloch appears as procurator for David, Earl of Craufurd, and declares that his client had satisfied Johnne Stratoun, Patrik Quhytlaw, burgess of Edinburgh, William Baillie, brother of the Laird of Lamingtoun, and Jonnet Watsoun, relict of Laurence Ferquhair, tailor, burgess of Edinburgh, anent the sums of money due by the said Earl to them on which they gave in their hornings against him on 12th instant. Farther, Sir James and Mr Andro Skene, for the said Earl, produce a

Acta 1609-10. letter passed by the Council and Session suspending the horning executed against the Earl by Petir Sandirsoun, tailor, burgess of Edinburgh, for payment of a certain sum.—The said creditors appearing personally, except William Baillie, for whom Mathew Baillie of Litilgill appears, and
Page 201. having declared that the Earl had satisfied them, Waltir, Lord Scot of Bugcleuch, cautioner for the said Earl, protests that he is freed from his caution; and the Lords admit the protest.

Commissions. Fol. 43, b. License, subscribed by the Chancellor, Sanctandrois, Wintoun, and Blantyre, to Johnne Birsbane, son of Robert Birsbane of Bischiptoun, to depart to France, Flanderis, or elsewhere beyond sea, and there remain three years, on the usual condition. Edinburgh, 21st December. License to John Brisbane to go abroad.

Fol. 44, a. The Lords understanding that Gilbert Johnestoun, *alias* Gilbert Gilmuk, William Baxter in Auchinhamperis, and Alexander Baxter in Straloch, are suspected of habitual theft, commission, passed under the signet, and signed by the Chancellor and the Archbishop of St Androis, is given to Mr Robert Maitland of Auchincreif and George Seytoun of Shethum to charge the said persons to appear before them, and also to charge their landlords to enter them before the said commissioners, to answer in the matter, and for this effect to set a court of justiciary, put the said persons to the knowledge of an assize, and minister justice accordingly. Commission of justiciary against Gilbert Johnstone and others, suspected of theft.

Acta 1609-10. Page 201. As a number of "the rebellious and disobedient people of Yreland," who had been, by his Majesty's direction, "embarked for the wearis of Swaden," have been driven by contrary winds to land on the north coast (*ante*, p. 390), and a great many of them, although order had been given for revictualling their ship and embarking them of new, "haif stollin away frome thair capitanes, and ar gone towardis the west cuntrey, quhair thay think to get schipping for Ireland, and thair to continew thair practizeis for troubling of that estaite," there is order to charge the masters and mariners of vessels in the west, by proclamation at the market crosses of Glasgow, Air, Renfrew, and Dunbertane, not to receive in their ships for transport to Ireland any of the said "fugitive Yrismen," under pain of being punished in their persons and goods, and to command all magistrates to apprehend the fugitives and commit them to ward till order be given for
Page 202. their punishment.—As many of the said Irish are now in Edinburgh, and as captains Maistertoun and Leichfield are "now to tak jornay towardis Newcastell in England, thair to attend thair schip," proclamation is to be made at the market cross of Edinburgh charging the said Irish, under pain of death, to attend on these captains, and "to martche fordward with thame towardis Mussilburgh this present day afoir twelff of the cloke." Edinburgh, 23rd December. Proclamation respecting the shipwrecked Irishmen now in Scotland who had been pressed for military service in Sweden and have deserted their captains.

Sederunt—Bishop of St Androis; Tullibardin; Bishop of Ros; Saltoun; Torphechin; Scone; Blantyre; Master of Elphinstoun; President; Comptroller; Privy Seal; Justice Clerk; Advocate; Clerk of Register; Edzell; Bruntiland; Mr Petir Rollok; Sir Edinburgh, 28th December.

Alexander Drummond; Sir Andro Hammiltoun; Sir Johnne Arnot; Sir William Hairt. Acta 1609-10.

Nicoll Forsyth against William MacKie for assault.

Nicoll Forsyth, merchant in Edinburgh, appearing, as charged, to sustain his complaint against William M°Kye of Kirriquhirne for having assaulted him in the burgh of Wigtoun on 1st November 1608, and M°Ky being also present, the Lords assoilzie M°Ky, because Forsyth has failed in proving his case. Page 203.

George Brown against William Douglas for wrongous imprisonment.

Complaint by George Broun in Berriehill that, on 15th instant, William Douglas, bailie to William, Earl of Angus, of his lands of Boncle, wrongfully apprehended complainer in the town of Prestoun, and committed him to ward in the Castle of Thomptalloun, where he is still detained.—Douglas appearing, and having entered Broun, as charged, and declared that he had apprehended Broun for wounding Johnne Cargill in , and had committed him to ward for not finding law-surety to Cargill in 500 merks, the Lords ordain Douglas to release Broun, but also ordain Broun to remain in Edinburgh till he find the said caution. Page 204.

Olaus Franciscus and John Jacobson against the sheriff-clerk of Orkney and others for assault.

Complaint by Olaus Franciscus, merchant in Birren, and Johnne Jacobsoun, skipper of the "Sanct Johnne" there, that, on 16th September last, while they were coming from the town of Kirkwall to the road of Kairstoun, where their said ship was lying, Thomas Auchinlek, younger, sheriff clerk of Orknay, Patrik Maitland, David Reid, William Cragie, tailor, and Williame Couper, servitors to Patrik, Earl of Orknay, and David Wood, servitor to Mr James Stewart, brother of the Earl of Orknay, hounded out by the said Mr James, assaulted them with swords, rapiers, and cutlasses, and wounded them.—Charge had been given to the said David Wood to answer; and now, pursuers appearing by Robert Menteith of Eglischaw, defender is to be denounced for not appearing. Page 205.

Thomas Young, messenger, against David Wood and others for assault and deforcement.

Complaint by Thomas Young, messenger, as follows:—On 8th November last, when, after executing at the market cross of Kirkwall letters raised by William Sinclair of Eday against Patrik, Earl of Orknay, he had repaired to the house of Jonet Allerdys there, David Wood, servitor to Mr James Stewart, brother of the said Earl, of the special causing of the said Mr James, came to the said house, "speirit at him how durst he use ony sic letters," and then pursued him for his life with his whinger. Again, on 28th November, while complainer was publishing at the said market cross letters of horning by Thomas Blak against Edward Scola, sheriff depute of Orknay, Henry and Andro Scolais, sons of said Edward, and William Moresoun, one of the bailies of Kirkwall, came up on the said cross, and not only stayed him in publishing the letters, but "strak and dang him with thair fauldit nevis upoun the face," took his cloak from him, and would have slain him if he had not "fled and eschaiped."—Charge had been given to said David Wood to answer; and now, pursuer appearing, the defender is to be denounced on this charge also. Page 206.

James and John Miller

Complaint by James Miller in Chapel Ardoch, and Johnne Miller, his son, as follows:—In July last, Henry Stirling of Ardoch, and Robert

Acta 1609-10. M'Gregour, his servant, "houndit grite dogis" at complainer's sheep pasturing on Chapelhill, and "slew thre of thame and left onlie twa alyve," the said sheep being the "maist pairt" of complainers' "moyanis." against Stirling of Ardoch for oppression.

Page 207. On the next day M'Gregour, acting for his master, "with a grite trie strak and dang the leg of the said complenairis a cow in tua, and left the same lyand upoun the ground for deid." Again, also in July, Johnne Fechna, servitor to M'Gregour, acting for him and said laird, gave to said James on Chapelhill a "grite stryke in the face" with a "grite trie."—Charge had been given to Stirling and M'Gregour to answer; and now, both parties appearing, the Lords assoilzie the defenders on their oath of innocence.

Sederunts, 1609-16. Fol. 8, b. "Ane Act anent Johnne Shang, who hurte the Clerk of Registeris sone." John Shang.

Acta 1609-10. Page 208. *Sederunt*—Bishop of Sanctandrois; Saltoun; Blantyre; Master of Elphinstoun; Bishop of Ros; President; Privy Seal; M'Kanzie; Edzell; Advocate; Sir Robert Melvill, younger; Sir Andro Hammiltoun; Mr Petir Rollok; Sir Johne Arnot. Edinburgh, 4th January 1610.[1]

Action by Grissell Leirmonth, relict of Mr Alexander Scrogie, sometime minister at Flisk, against William Ferny (Fairnie) of that Ilk, and Johnne Hammiltoun, fiar of Blair, as unrelaxed from hornings of 4th and 5th September last for not paying her 500 merks as principal and £40 for expenses, and also 100 merks as principal and 20 merks for expenses.— Decree against William Fernie and John Hamilton for debt.

Page 209. Pursuer appearing by Archibald Douglas, defenders are to be apprehended for not appearing.

Complaint by Daniell Bryce in Airth, that he is decerned to be denounced, at the instance of Alexander, Lord Elphingstoun, and Sir Thomas Hammiltoun of Bynnie, for not answering before the Council touching his alleged violent abduction of George Morysoun and his family from the house of Johnne Baochote in Elphingstoun on the night of 13th November last (*ante*, p. 385). As he had never been lawfully charged, and as he found caution in 300 merks to answer this day, the letters of horning should be suspended.—Pursuer appearing personally, and Lord Suspension of horning against Daniel Bryce in Airth.

Page 210. Elphingstoun by the Master, his son, the Lords do suspend the horning. They also assoilzie complainer, on his own oath of innocence, from the said action of Lord Elphinstoun.

Archibald, George, and Alexander Montgomerie, burgesses of Irwing, appearing, conform to the act of caution for them by William Montgomerie, Archibald, George, and Alexander Montgomery relieved from ward.

[1] At the beginning of this new year the Scottish people, or at least the people of Edinburgh, were considerably exercised in mind by a recent novelty among them. As had been arranged by the King, through instructions sent home by Chancellor Dunfermline (*ante*, p. 380, footnote), there had been a *celebration of the Christmas holidays*. Calderwood notes sadly (vii. 53) that "this was the first Christmasse vacance of the Session keeped since the Reformatioun," and also that "Christmasse was not so well keeped by feasting and abstinence from worke in Edinburgh these threttie yeares before,—an evill exemple to the rest of the countrie."

merchant in Edinburgh, and having declared that they have satisfied the said act, pray that, as Quintene Rankene, messenger, at whose instance they were warded, has not appeared to prosecute them, they may be allowed to depart home.—The Lords grant the petition. Acta 1609-10. Page 211.

Edinburgh, 9th January.

Sederunt.—Chancellor; Bishop of St Androis; Wyntoun; Lindsay; Saltoun; Master of Elphingstoun; President; Privy Seal; Justice Clerk; Advocate; Clerk of Register; M°Kanzie; Brintyland; Sir Alexander Drummond; Mr Peter Rollok; Sir Johnne Arnott; Sir William Hairt. Sederunts. 1609-16. Fol. 8, b.

Commission to apprehend MacNeill of Barra and certain other rebels of the Isles.

As Rory M°Neill of Barra, though often charged to render his obedience to the King and Council, has always absented himself, and remains in the Isle of Barra, committing all "kynd of barbaritie" on the poor inhabitants thereof and also on the inhabitants of the Isles next adjacent, thus hindering his Majesty's "princelie resolutioun" for reducing the whole of the Isles to obedience, wherein his Majesty has "already had a reasonable good begyning and success," and as it is "a mater tuitching us [his Majesty] verie neir in our honnour that suche a unworthie cative sould be sufferit without controlment so-long to continew rebellious or to braith the air of our cuntrey," commission, passed under the signet, and signed by the Chancellor, St Androis, John Prestoun, Sir R. Cokburne, and James Hay, is given to Hectour M°Clayne of Dowart to convocate the lieges in arms for apprehending the said Rory, and also Donnald M°Ferquhair Roy, M°Neill in Vuistsyde, M°Neillis, his sons, who are participators with the said Rory in all his wicked deeds, and to enter them before the Council to answer for their rebellion. Commissions. Fol. 44, b.

Edinburgh, 11th January.

Sederunt—Chancellor; Bishop of St. Androis; Saltoun; Torphechin; Scone; Bugcleuch; Master of Elphingstoun; President; Privy Seal; Justice Clerk; Advocate; Clerk of Register; M°Kanzie; Bruntiland; Kilsyth; Preistfeild; Foistersait; Sir Alexander Drummond; Sir Johnne Arnot; Sir William Hairt. Acta 1609-10. Page 211.

Act in favour of Stewart of Rosland and Drummond of Hawthornden, as ushers of the king's privy chamber in Scotland.

Johnne Stewart of Roisland and Sir Johnne Drummond of Halthorndane represent that, as "ischairis of his Majesteis prevey chalmer of this kingdome," they are entitled to the fees and casualties of all such infeftments of lands held of his Highness as "wer and ar in us to pay chalmer fie," as is specified in Stewart's gift of the said office. Now, as it is ordained that all infeftments held of his Majesty proceeding on resignation shall pay only chamber fee, and as the duty of the chamber fee must be conform in such cases to the duty appointed to be taken by the keeper of the privy seal (*ante*, vol. vii. p. 173), the said infeftments ought to be stayed at the privy seal till the chamber fee thereof be paid to the ushers.—Sir Richard Cokburne of Clerkingtoun, lord privy seal, and Stewart, appearing, the Lords ordain the said Sir Richard not to append the seal to any Page 212.

Acta 1609-10. infeftment of resignation held of his Majesty till first the said ushers be paid the chamber fee thereof.

Decree against Falconer of Ballandro for debt.

Action by the provost, bailies, and council of the burgh of Montrois, and William M^{c}Kene, master of the hospital of the said burgh, as patrons of the poor within the same, against Robert Falconer of Ballandro, as
Page 213. unrelaxed from a horning of 19th May 1608 for not paying them 300 merks as principal and £10 as the profit thereof.—Pursuers appearing by Archibald Douglas, defender is to be apprehended for not appearing.

Decree against Lord Ogilvy of Airly for debt.

Action by James Dalzell, merchant in Edinburgh, against James, Lord Ogilvy of Airlie, as unrelaxed from a horning of 3rd August last for not paying complainer, as assignee to George, Earl of Marschell, and dame Margaret Ogilvy, his spouse, 6000 merks, as specified in a decree obtained
Page 214. before the Council and Session.—Pursuer appearing by Archibald Douglas, decree as above against the defender.

Decree against Eviot of Balhousie and others for debt.

Action by George Auchinlek of Balmanno against Mr Robert Ros of Cragie, as principal, and Coline Eviot of Balhoussie, Robert Stewart of Haltounlands, Johnne Ros of Magdalinis, Mr James Ros, minister at Forteviot, and George Moncreiff in Kirktoun-maler, as sureties for him, for remaining unrelaxed from a horning of 20th September last for not paying complainer 5000 merks as principal and 500 merks for expenses.
Page 215. —Charge had been given to Eviot, Johnne Ros, Mr James Ros, and Moncreiff, to answer; and now, pursuer appearing by Archibald Douglas, there is decree as above against the defenders.

Decree against Lyon of Auldbar and two others for debt.

Action by Samuell Blaikburne, merchant in Edinburgh, against the following persons, as unrelaxed from the following hornings:—Johnne Lyoun, now of Auldbar, denounced on 25th November last for not paying him £1530, 10s. as principal and £200 for expenses, and also £506, 10s. as principal and £50 for expenses; dame Ewphame Douglas, relict of Sir Thomas Lyoun of Auldbar, and the said Johnne Lyoun, his son, denounced
Page 216. on 2nd December last for not paying complainer £1440 as principal and £200 for expenses; Mr James Stewart, brother of the Earl of Orknay, denounced on 2nd December last for not paying complainer £900 as principal and £50 for expenses.—Pursuer appearing, decree as above against the defenders.

Anent prices of boots and shoes.

Sederunts, 1609–16. Fol. 8, b. Mr William Broun presents before the Council two Acts, one for the burgh of Dundee, and the other for the burgh of Lynlythqu, "anent the reporte maid saidis burrowis tuicheing the pryceis of buitis and shoone."

Edinburgh, 16th January.

Acta 1609–10. Page 216. *Sederunt*—Chancellor; Mar; Bishop of St Androis; Bishop of Ros; Lindsay; Saltoun; Torphechin; Scone; Blantyre; Master of Elphinstoun; President; M^{c}Kanzie; Privy Seal; Justice Clerk; Advocate; Edzell; Kilsyth; Bruntiland; Sir Alexander Drummond; Sir Lues Craig; Thomas Hammiltoun of Preistfeild; Sir Johne Arnote; Sir William Hairt.

Acquittance by the Treasurer-depute to the Chancellor for certain standard pieces of coinage.

Registration of the following acquittance, presented and subscribed by Sir Johnne Arnote of Birswerk, treasurer-depute:—The said Sir Johnne acknowledges having received from the Earl of Dunfermelyne, chancellor, "one indented peice, being the standerd, commixed of thre and twenty carrettis thrie graynes and ane halff of fyne gold and a half a grayne of alay in the pund weght troy of England," made 20th August 1605, which had been delivered to the Chancellor by Thomas, Lord Kynvet, warden of the English Mint, to be deposited in the Treasury of Scotland, —there to be kept for the "tryall of his Majesteis moneyes of fyne gold" thenceforward to be made in the Mint of Scotland. The said standard piece weighs 2 oz. 1 dwt. 16 gr., troy weight of England. Arnot has also received from the Chancellor "thrie peiceis of coyned gold of England, of the fynnes of the foirsaid indented piece:—viz., one piece of threttie schillingis [? one piece of twenty shillingis] and one piece of ten schillingis, for the bettir declaratioun of the stampis and inscriptionis of the saidis peiceis," conform to an indenture between the Chancellor and the English warden of date 14th November last. Accordingly, Arnote now exoners and discharges the Chancellor of the said standard piece and "utheris thre peiceis foirsaidis."—The discharge, written by Laurence Keir, servitor to James Prymrois, Clerk of Council, is dated at Edinburgh 16th January 1610, and witnessed by Sir Lues Craig, one of the senators of the College of Justice, James Murray, master of the King's works, and Mr James Raith, servitor to the Chancellor. Acta 1609-10. Page 217. Page 218.

Lord Lindsay.

Robert, Lord Lindsay, appears and takes the oath of allegiance as set down in the Act of 2nd June 1607.

Thomas Kirkpatrick, apparent of Closeburn, committed to ward on charges against him by his father.

Sir William Cranstoun enters before the Council Thomas Kirkpatrik, apparent of Cloisburne, whom he had apprehended, as directed by George, Earl of Dumbar, lieutenant over the late Borders. Sir Thomas Kirkpatrik of Cloisburne, at whose instance his said son had been apprehended, also appears, and produces the following hornings executed against his said son:—(1) one by the said Sir Thomas against him for not flitting from the lands of Quhytspotis; (2) another by his said father for not producing before the Council and Session a reversion made by the late Johnne Carmichaell of Medoflat to the late Roger Kirkpatrik of Cloisburne, father to the said Sir Thomas, for redeeming the two merklands of Glengabir for £160; (3) one by Thomas Greir of Barjarge, and Thomas Greir, his son, for not paying them the profits of the lands of Rowchyle; (4) one by Edward Thomesoun, miller at the mill of Bridgend, for not entering him to the possession of the said mill; (5) one by Mr David Roger, minister at Cloisburne, for not finding lawsurety to him under the pain of 1000 merks.—The Lords ordain the said Thomas to be committed to ward in the tolbooth of Edinburgh and detained there till he obtain himself relaxed from the said hornings. Page 219.

Decree against Robert Falconer for debt.

Action by Elspeth Petre, relict of Robert Lichtoun of Ulischeavin, against Robert Falcouner of Ballandro, as unrelaxed from a horning of 3rd November last for not paying her 100 merks as principal, £20 for

Acta 1609–10. Page 220.

expenses, and £10 for each "monetour" or charge.—Pursuer appearing by Mr William M°Kene, defender is to be apprehended for not appearing.

Sederunt—Chancellor; Bishop of St Androis; Eglintoun; Bishop of Ros; Bishop of Orknay; Lindsay; Saltoun; Sanquhair; Torphechin; Scone; Blantyre; President; Justice Clerk; Privy Seal; Advocate; M°Kanzie; Constable of Dundie; Kilsyth; Sir Alexander Drummond; Sir Lues Craig; Sir Johnne Arnot; Sir William Hairt. Edinburgh, 18th January.

Action by William Halyburton of Sowterhoussis against Johnne Lindsay of Evelick, and Patrik Lindsay, his son, as unrelaxed from a horning of 17th June last for not paying him £50 as principal and £10 for expenses, and also £200 as principal and £40 for expenses.—Pursuer appearing by Archibald Douglas, defenders are to be apprehended for not appearing. Decree against Lindsay of Evelick and son for debt.

Page 221.

Action by Robert Arnote of Fairny against David Maull of Boith, as unrelaxed from a horning of 11th September last for not paying him £110, 9s. as principal and £12 for expenses of the plea.—Pursuer appearing by Archibald Douglas, decree as above against the defender. Decree against David Maule for debt.

Page 222.

Action by James Dalzell, younger, merchant in Edinburgh, against Sir Robert Creichtoun of Cluny, as unrelaxed from a horning of 7th December last, (1) for not paying him 10 merks for each of 220 "bollis quheit aitis," £8 for each of 100 bolls of bear, and 100 merks for expenses, (2) for not paying him, as assignee to Margaret Drummond, relict of Robert Forrester of Buchan, 10 merks for each of 80 bolls of bear, 9 merks for each of 172 bolls of oats, £12 for each of 10 bolls of wheat, and £20 for expenses, (3) for not paying him, as assignee to late Mr Johnne Dalzell in Edinburgh, £15 for each of 66 bolls of wheat and £100 for expenses, and also £443, 6s. 8d. as principal and 100 merks for expenses.—Pursuer appearing personally, decree as above against the defender. Decree against Crichton of Cluny for debt.

Page 223.

Complaint by Johnne Galloway in Annand that, in October last, David Murray, called of Aikit, having conceived deadly hatred against him because the provost and bailies of the town of Annand had set to the pursuer the custom of the said town, fiercely assaulted him on the Crofts at the back of the town of Annand, and with a spear "ran him in at the schoulder blaid doun throu the bak ribbis."—Pursuer appearing, but not the defender, the lords find the complaint proven, and ordain the defender to be charged to enter in ward in the tolbooth of Edinburgh, within six days after the charge, under pain of rebellion. John Galloway against David Murray for assault.

Page 224.

Commissions. Fol. 45, a.

Thomas Morysone, servitor to Archibald Henry in Arth, having been apprehended by the sheriff of Striviling "with the blody hand" for the slaughter of Thomas Logane in Arth, committed by him and his accomplices in the town of Arth, within the shire of Striviling, and Moresoun being now in the tolbooth of Striviling, commission, passed under the signet, and signed by the Chancellor, St Androis, and Eglintoun, is given to Johnne, Earl of Mar, sheriff of the said shire, to hold a court of Commission of justiciary against Thomas Morison for slaughter.

justiciary, put the said Moresoun to the knowledge of an assize, and minister justice accordingly. Commissions. Fol. 45, a.

Earl of Orkney.

Warrant passed for discharging the commission of lieutenancy granted to the Earl of Orknay. Sederunts, 1609–16. Fol. 10, a.

Edinburgh, 22nd January. Alexander Douglas, late purveyor for guests at Holyrood-house, against the Comptroller.

Complaint by Alexander Douglas, "caittour for the tyme to the Dens house haldin in the Abbot of Halyruidhous house," that, though his account for his expenses in the said office, as audited by Andro Melvill, formerly master of the household, and Mr James Durehame, his "cradintour," is £117, 12s. 6d., yet Sir James Hay of Kingask, comptroller, has paid him only £37, 12s. 6d., and refuses to pay him the rest, and this notwithstanding that he has had his Majesty's will signified to him by Sir Alexander Hay, secretary. Complainer therefore prays that order may be given for payment of the balance, together with £30 for his fee, according to precedent in such cases.—Complainer appearing personally, and the Comptroller by Mr Thomas Barclay, the Lords ordain the Comptroller to pay Douglas £80, but disallow the said fee. Acta 1609–10. Page 225.

Edinburgh, 23rd January.

Sederunt—Chancellor; Bishop of Sanctandrois; Wyntoun; Perth; Lotheane; Bishop of Ros; Bishop of Orkney; Lindsay; Saltoun; Elphingstoun; Sanquhair; Torphechin; Scone; Blantyre; Master of Elphinstoun; President; Privy Seal; Justice Clerk; Advocate; Edzell; Kilsyth; Bruntiland; Sir Alexander Drummond; Logy; Foistersait; Sir Johnne Arnot; Sir Andro Hammiltoun.

Decree against John Middleton for debt.

Action by Ewphame Mortimer, spouse of Johnne Midletoun of Kilhill, against the said Johnne, as unrelaxed from a horning of 28th October last for not paying her 400 merks modified to her yearly, as specified in the decree obtained by her against him of date 4th July 1607, with £25 as expenses.—Pursuer appearing by Gabriell Guthrie, defender is to be apprehended for non-appearance. Page 226.

Edinburgh, 24th January. Action by the officers of the cunyie-house against John Napier of Merchiston for restoration of certain warrants and other articles borrowed from the cunyie-house by the defender's father, Sir Archibald Napier, while he was general of the cunyiehouse.

Complaint by Johnne Achesoun, portioner of Innerask and general of the cunyiehouse, Thomas Achesoun, master coiner there, and the other officers of the same, as follows:—The late Sir Archibald Naper of Edinbillie, knight, while he was general of the cunyiehouse (which was from 1576 till his decease on 15th May 1608), had borrowed "furth of the assay box" from the past or present officers of the cunyiehouse the following Acts granted to them by his Majesty and the three Estates, promising to restore them when required: (1) Act for working the pennies of gold, dated 16th March 1576; (2) Act for stamping 10s., 20s., and 30s. pieces, dated 15th September 1578; (3) Act for working the merk and two merk pieces of silver, dated 16th December 1579; (4) Act for working the 2s., 4s., 8s., and 16s. pieces of silver, dated 29th June 1581; (5) Act for working the 10s., 20s., and 40s. pieces of silver, dated 2nd May 1583; (6) Act for working "the lyon nobilis of gold," dated 2nd November 1584; (7) Act for working the pennies and two penny Page 227

Acta 1609–10. placks of alloy, dated in 1589; (8) Act for working the half merks and 40 penny pieces of alloy, dated 14th September 1591; (9) Act for working the four pound and 40s. pieces of gold, dated 4th November 1591; (10) Act for working "thrissell noblis of gold," dated ; (11) Act for working the 4d. pieces of alloy, dated 5th January 1593; (12) Act for working the £5 pieces and 50s. pieces of gold, the 10s. and 5s. pieces, 30 and 12 penny pieces of silver, dated 4th February 1593; (13) Act for working the pennies and 2d. pieces of copper, dated 19th September
Page 228. 1597; (14) Act for "upcrying" the 10s. pieces of silver to 10s. 8d. each, dated ; (15) Act for working the £6 and £3 pieces of gold, and the merk and half merk pieces of silver, dated 30th November 1601; (16) Act for working the "present unite peiceis of gold and remanent spaceis of the samyn and of the present silver crownis and remanent spaceis thairof," dated at Whithall, 13th February 1605. Sir Archibald also borrowed from complainers divers letters of his Majesty and his predecessors exempting the officers and workmen of the cunyiehouse from all his "ostis, raidis, etc."; and at the time of his death he had in his keeping "ane justit pyle of a pund Pareis weght, and siclyke ane Inglische unce troy, with the penne and grane weghtis," received by him while in England, besides the key of one of the locks of the assay box, which belonged to him as general, but now belongs to the present general. All these Acts, writs, and other articles "aucht now to be brocht bak agane to the cunyiehouse, to remane in the box for the said complenairis warrand in the course and progress of thair service."—A little before Sir Archibald's decease, when he "wes lyand seik," the said Thomas Achesoun went to see him at Marchinstoun, and, "in presence of
Page 229. Naper, now of Marchinstoun, his sone and air," desired him to "remember his dewtie" to the said officers by returning the said acts and other articles; whereupon the said Sir Archibald, in presence of his said son, willingly acknowledged this duty, and ordered the same to be redelivered to the complainers. Farther, the said Sir Archibald, from the affection he bore to said Thomas Achesoun, left him in legacy his "best lanterne and assay balance thairof, with thair weghtis." Nevertheless, the said Naper, now of Marchinstoun, his son and heir, Sir Alexander, Mr William, Elspeth, Helene, and Marioun Naperis, sons and daughters of the said Sir Archibald and his "executouris nominat," and Mr Allan Hammiltoun, his servant, refuse to deliver to the complainers the saids Acts and other articles "without thay be compellit."—Charge had been given to the said Johnne Naper of Merchinstoun, the said Sir Alexander, Mr William, Elspeth, Helene, and Marioun Naperis, and the said Mr Allan Hammiltoun, and also to Sir William Balfour, spouse to the said Helene Naper,
'age 230. for his interest, to appear and answer; and now, all these being present, except Helene and her husband, and the pursuers also being present, the said Johnne Naper produces 26 documents concerning the cunyiehouse, protesting that he does not produce them as heir to his father, "bot as haveair of the same in his handis, he haveing ressavit thame fra Mr

Robert Leirmonth, shiref depute of Edinburgh, quha at the command of the Lordis of Counsale and Sessioun enterit the said Johnne to the possessioun of the place of Merchinstoun, and deliverit to him the keyis of the place thairof, with some guidis and geir being thairintill, upoun inventair; amangis the quhilkis guidis wes ane lettrone, quhairin the missives, letteris, and writtis foirsaidis wer inclosit." At the same time Hammiltoun produces eleven documents, and also the "unce weght, penne and grane weghtis Inglische." These weights the Lords immediately deliver to the said Johnne Achesoun; and, Elpet and Marioun Naperis having confessed to having "the justit pyle weght," and promised to deliver it to Sir Johnne Arnot, treasurer depute, the said Johnne Achesoun asks instruments thereanent. Finally, the Clerk of Council is ordered to deliver all the writs to the pursuers on inventory, and to take their acquittance for the same. Acta 1609-10.

Edinburgh, 25th January.

Sederunt—Chancellor; Bishop of St Androis; Bishop of Glasgow; Eglintoun; Wyntoun; Lotheane; Bishop of Orknay; Saltoun; Cathcairt; Sanquhair; Elphinstoun; Torphechin; Scone; Blantyre; Master of Elphinstoun; President; Privy Seal; Justice Clerk; Advocate; Clerk of Register; Edzell; Kilsyth; Preistfeild; Bruntiland; Sir Alexander Drummond; Sir Andro Hammiltoun; Sir Johnne Arnot; Sir William Hairt. Page 231.

Decree against Thomas Kincaid for debt.

Action by James Hammiltoun, merchant in Edinburgh, against Thomas Kincaid, portioner of Broughtoun, as unrelaxed from a horning of 23rd September last for not paying him 300 merks as principal and 50 merks for expenses.—Pursuer appearing by Airthoure Hammiltoun, defender is to be apprehended for not appearing.

Decree against Abercromby of Bonyton for debt.

Action by Colonel David Boyd of Tourgill against Patrik Abircrombye of Bonytoun, as unrelaxed from a horning of 15th March 1608 for not paying him £4000 as principal and £500 for expenses, and also another £4000 as principal and £500 for expenses.—Pursuer appearing by Archibald Douglas, decree as above against the defender. Page 232.

Decree against Sir Robert Forrester and David Boswell for debt.

Action by Andro Downy in Cowstoun, and Ewphane Clerk, his spouse, against Sir Robert Forrester of Strathenrie and David Boiswele of Auchmure, as unrelaxed from a horning of 14th February 1608 for not paying them certain sums.—Downy appearing, decree as above against the defenders. Page 233.

Protest in favour of Robert Johnstone.

Robert Johnnstoun of Recleuch appears, for himself, and as tutor to James Johnnstoun, son and heir of late Sir James Johnnstoun of Dunskellie, and gives in a copy of the letters raised by Sir James Murray of Cokpule charging them to answer before the Council this day as having been denounced for not relieving Murray, as surety for the late Sir James Johnnstoun, at the hands of Elizabeth Stewart, Lady Newbie, of payment to her of 3000 merks as principal and 300 merks for expenses.—Murray not appearing, the said Robert protests that he and the said James shall not be held to answer farther till again warned; and the Lords admit the protest. Page 234.

Acta 1609-10. Action by James Creichtoun, brother of Sir Johnne Creichtoun of Innernytie, against Johnne Cunnesone of Adradour, as unrelaxed from a horning of 10th September 1608 for not paying the complainer, as assignee to the said Sir Johnne, 60 bolls victual yearly, as specified in a decree obtained against him before the Sheriff of Perth, of date 16th July 1608, and for not delivering to him eight drawing oxen, six kye with calves, 40 sheep, 50 merks' worth of plenishing, two work horses, 20 bolls of oats, and 10 bolls of bear, or the prices thereof, with £10 for expenses. The said decree had been in the first instance assigned to the said Sir Johnne, by Jeane Creichtoun, spouse of George Cunniesoun, apparent of Adradour; Page 235. but Sir Johnne had, on 1st July last, assigned it to complainer.—Pursuer appearing by Archibald Douglas, defender is to be apprehended for non-appearance. Decree against Cunnison of Adradour for debt.

Action by Andro Abernethie, younger, burgess of Edinburgh, against Johnne Carmichaell of Meadowflatt, as unrelaxed from a horning of 13th instant for not paying him £110 as principal and £20 for expenses.— Page 236. Pursuer appearing, decree as above against the defender. Decree against the Captain of Crawford for debt.

Action by Rachaell Bonair, eldest daughter of late William Bonair of Rossie, against Johnne Lindsay of Evelick, Patrik Lindsay, fiar thereof, and David Lindsay, son of the latter, as unrelaxed from a horning of 25th December last for not paying her £1000 and the annuals thereof, with £100 for expenses.—Pursuer appearing by Patrik Morysoun, decree as Page 237. above against the defenders. Decree against Lindsay of Evelick and others for debt.

Action by Robert Scot, brother of Philp Scot of Dryhoip, against Malcolme Pringle in Cokilferrie, as unrelaxed from a horning of 23rd February 1603 for not fulfilling a decree arbitral of date 29th September 1600, and specially for not delivering to complainer in the town of Innerlethaine 40 hoggs and 20 ewes, of satisfactory quality to George Pringle in Haltounknow and Johnne Hall in Catslakburne.—Pursuer 'age 238. appearing, decree as above against the defender. Decree against Malcolm Pringle for not fulfilling a decree arbitral.

Action by Helene Grahame, daughter of William, Earl of Menteith, against George Grahame of Rednoche, as unrelaxed from a horning of 25th May last for not paying her, as assignee to her brother George Grahame, the third of the prices of the goods specified in decree against the Laird age 239. of Rednoche on 31st July 1605.—Pursuer appearing personally, decree as above against the defender. Decree against George Graham for debt.

Action by David Melvill of Wester Touch, and Cicill Fernie, his spouse, against George Seytoun of Parbroith, as unrelaxed fom a horning of 16th instant for not paying complainers 3000 merks, with the byrun annuals of an annualrent of 300 merks, £40 for damage, aud 300 merks ge 240. for expenses.—Pursuers appearing by David Kynnynmonth of Craighall, decree as above against the defender. Decree against Seton of Parbroath for debt.

Action by David Kynninmonth of that Ilk against Thomas Crawfurd, burgess of Linlithqu, as principal, and Johnne Crawfurd of Beircroftis and James Menteith of Saltcoitis, as sureties for him, as unrelaxed from hornings of 26th October and 3rd November last for not paying com- Decree against Crawford of Beircrofts and Menteith of Saltcoats for debt.

plainer 950 merks as principal, together with £100.—Charge had been given to the sureties to answer; and now, pursuer appearing, there is decree as above against the defenders. Acta 1609-10. Page 241.

Protest in favour of Alexander Martin.

Alexander Mertene of Giblestoun appears for himself, and for Andro, his son, and gives in a copy of the letters raised by James Philp, messenger in Couper of Fyff, charging them to answer before the Council this day for alleged violence to Philp at the cross of the said burgh, reiving his cloak, sword, and whinger, and lodging him in the tolbooth of Couper. —Philp not appearing, Mertene protests that he shall not be held to answer farther till again warned; and the Lords admit the protest.

Suspension of horning obtained against John Denholm by Lord Balfour of Burley.

Complaint by Johnne Denhome in Castleferne, that he is charged, under pain of rebellion, at the instance of Michaell, Lord Balfour of Burley, and James Lowrie, merchant in Edinburgh, his depute, to buy from them a stand of footman's armour, conform to the Act of Convention of Estates. As the messenger who executed the charge had acted from mere private malice, and had no direction from the said Lord or his depute to execute the charge, and as the complainer is not subject to the said Act, being only a labourer of the ground, and paying a great maill for his roume to Sir Robert Gordoun of Lochinvar, and as he is already sufficiently provided in armour, and as he has nevertheless found caution in £100 to buy the said arms if he ought to do so, the said charge should be suspended.—Pursuer appearing, but not defender, the Lords do suspend the said charge. Page 242.

William Lennox, messenger, against Walter and Ninian Stewart for assault.

Complaint by William Lennox, messenger, as follows:—At the instance of Johnne Robertsoun in Crago-mill, complainer had pointed and apprised certain goods belonging to Waltir Stewart in Inverdoning. Hence the said Walter has divers times sought the complainer's harm. Thus, in the town of Donyng, on 24th October last, Niniane Stewart, son of the said Waltir, with divers others, all armed, fiercely set upon him, gave him a deadly wound on the head with a whinger, and would have slain him, but for the providence of God, his own better defence, and the help of some present.—Pursuer and Waltir appearing, but not Niniane, the Lords find the complaint proved against the absent defender, and ordain him to be charged to enter in ward in the tolbooth of Edinburgh, within six days after the charge, under pain of rebellion; but they assoilzie the said Waltir, because the libel against him has not been proved. Page 243. Page 244.

Suspension of horning obtained against Patrick Murray by Umphra Gray.

Complaint by Patrik Murray, one of his Majesty's guard, that he is denounced at the instance of Umphra Gray, merchant in Edinburgh, for not answering before the Council touching a charge of having entered Gray's house in Edinburgh at night and wounded him with a dirk and a baton. As he was never lawfully charged to answer, and as he found caution in 500 merks to answer the complaint this day and to pay £20 to the treasurer for his escheat, the said horning should be suspended.—Both parties appearing, the Lords do suspend the horning, but ordain Murray to find caution in 500 merks to answer to the said complaint before the justice when charged on 15 days' warning. Page 245.

Acta 1609–10. Page 246.

Sederunt—Chancellor; Bishop of St Androis; Bishop of Glasgow; Wyntoun; Lotheane; Bishop of Ros; Bishop of Orknay; Saltoun; Elphinstoun; Sanquhair; Scone; Blantyre; Master of Elphinstoun; President; Secretary; Privy Seal; Justice Clerk; Advocate; Clerk of Register; M^c^Kanzie; Edzell; Bruntiland; Preistfeild; Sir Alexander Drummond; Sir Lues Craig; Logy; Sir Andro Hammiltoun; Foistersait; Sir Johnne Arnot; Sir William Hairt. Edinburgh, 30th January.

Act of Apparel: *i.e.* Act enjoining attention to his Majesty's directions, just received, as to the costumes to be worn hereafter by the different orders of public functionaries in the Scottish realm.

The Estates of Parliament, assembled in June 1609, having ordained that, for the honour and reputation of the kingdom, some "grave, decent, comelie, and orderlie" costume should be worn by all judges, magistrates, churchmen, advocates, and lawyers, and having humbly referred to his Majesty's own direction the specification of the different habits to be so worn in future by the different orders of functionaries (*Acts of Parl.* vol. iv. p. 435, and *ante*, p. 305, footnote); and his Majesty having at last had leisure to attend to the subject, and having sent down a letter of precise directions [see *infra*, among *Royal and Other Letters*, the King's Letter to the Clerk of Register dated 16th January 1610]; and the said letter having been read in audience of the Council: the Lords acknowledge the directions therein contained to have been most gravely set down by his Majesty "in his singulair and unspeakable wisdome," and ordain the same to take effect in the persons of the Session, the Advocates, Clerks of the Session and Signet, on 15th February next, and in all the other persons concerned between this date and 1st March next. Proclamation hereof is to be made at the market cross of Edinburgh and all other necessary places, with charge to all and sundry persons of the ranks and degrees concerned to conform themselves to this Act and Ordinance in every point, under pain of rebellion.[1]

Pages 247, 248, and 249.

Charge to the presbytery of Irvine to answer for resetting John Campbell, a trafficking priest.

As, notwithstanding the laws against resetting or intercommuning with Jesuits, priests, and papists, Johnne Campbell, *alias* "Fader Chrisostome," a known trafficking priest, who returned lately to this realm, was resetted within the bounds of the presbytery of Irwing, and was there "comforted in all his necessaris" by Mr Johnne Harper, minister at Kilbryde, Mr Johnne Foullertoun, minister at Dreghorne, Mr Alexander Skrymgeour, minister at Irwing, Mr James Young, minister at Baith, and Mr Alexander Campbell, minister at Stevinsoun, there is order to charge these persons to

'age 250.

[1] For the full understanding of this Act it is particularly necessary to read the Royal Letter the regulations of which it embodies. The varieties of costume which his Majesty now made imperative on all the different orders of public functionaries, civil and ecclesiastical, are there most exactly described by his Majesty himself. According to Calderwood, the Royal Letter had just been brought to Edinburgh by "the Scotish Secretar, Sir Alexander Hay." He, accordingly, is the "Secretary" of the sederunt of this day.—On the same day, 30th January 1610, a new dignity was conferred on another of the Councillors noted as present in the sederunt,—viz. Archbishop Spotswood of Glasgow. He was on that day admitted an Extraordinary Lord of the Court of Session. In Brunton and Haig's *Senators of the College of Justice* it is stated that he was chosen to supply the place among the Extraordinary Lords that had been left vacant by the death of Mark Ker, 1st Earl of Lothian, on 8th April 1609 (*ante*, p. 272, footnote). Calderwood, however, has a somewhat different, as well as more minute, account. "Upon the 20th of

answer before the Council on 15th February next, under pain of rebellion. Acta 1609–10.

Henry Freeland. Lord Scone promises to enter before the Council this day eight days Henry Frieland, and also Blair, the informer against Frieland for having uttered treasonable speeches against his Majesty. Sederunts 1609–16. Fol. 10, a.

Commission to the Bishop of Orknay. The Lords approve of the King's letter nominating James, Bishop of Orknay, commissioner for that country, and ordain a commission to be expede thereupon.—See the letter among the Royal Letters, dated 20th January 1610. Fol. 10, b.

James Craw. James Craw, appearing before the Council, is committed to the tolbooth till he be examined in the matter of the child-murder alleged to have been committed by Beatrix Weir. The Laird of Kilsyth and Sir William Hairt are to examine him as soon as possible.

Robert Johnstone. Warrant for putting Robert Johnnstoun to liberty furth of the tolbooth, on caution to be found by him, in 5000 merks, to answer before the Council on the last Thursday of May next.

Paterson of Hilltarvet. The Lord of Scone, Captain of the Guard, having entered before the Council Mr Andro Patersoun of Hiltarvett, the Lords ordain said Mr Andro to be committed to ward in the tolbooth of Edinburgh, till he satisfy the hornings for which he is apprehended.

Act of Apparel. The Clerk of Register is ordained to record the letter which he has received from his Majesty anent the habits in the Register of the Statutes of the Parliament.

Edinburgh, 1st February. *Sederunt*—Chancellor; Bishop of St Androis; Glencairne; Wyntoun; Lotheane; Bishop of Ros; Saltoun; Cathcairt; Sanquhair; Torphechin; Scone; Blantyre; Master of Elphinstoun; President; Secretary; Privy Seal; Justice Clerk; Advocate; Edzell; M°Kanzie; Kilsyth; Sir Andro Melvill; Sir Andro Hammiltoun; Sir Lues Craig; Sir Johne Arnot; Sir William Hairt. Acta 1609–10. Page 250.

Kirkpatrick, younger of Kirkmichael, against Douglas of Drumlanrig and others. Complaint by Williame Kirkpatrik, apparent of Kirkmichaell, as follows:—Complainer having obtained suspension of the horning raised against him by Sir James Douglas of Drumangrig, and his tenants, Johnne M°Coull in Over Garrell and Robert Glendoning there, the said persons had lodged a protestation against the suspension and procured decree that the horning should be put to farther execution. Now, complainer had appeared before the Council at the first diet appointed, and had offered to abide trial on Page 251.

December [1609]," says Calderwood (vii. 53–54), "there came a warrant from the King to discharge the Extraordinarie Lords of the Sessioun upon the sight of his letter, without anie caus declared but his owne pleasure; which was thought verie strange. The Extraordinarie Lords at this tyme were these following:—the Lord Elphinstoun, Sir Robert Melvill [of Burntisland], the Pryour of Blantyre [Lord Blantyre], and Mr Peter Rollock, sometyme styled Bishop of Dunkelden But it was cleerelie seene in the nixt moneth what the mater meant; for the Bishop of Glasgow, Mr Johne Spotswood, was placed in Mr Peter Rollock's place, and the rest were restored to their owne places." Whether Rollock was displaced from among the extraordinary or non-professional Senators to make room for Spotswood, or whether Spotswood came in place of the late Earl of Lothian, Spotswood's appointment to this post in the supreme judicatory was an important matter in the history of the new Scottish Episcopate.

Acta 1609-10. the points of oppression libelled against him; but James Dowie, appearing that day as procurator for Douglas and his tenants, had prevailed on complainer to continue the case to a day in November last, "that in this meantyme materis micht have bene freindlie dressit betuix thame at hame." During the time of the continuation complainer had expected "some dealing" in consequence; but, having heard "no dyn nor word of that mater," he had come to Edinburgh precisely on the day fixed and offered himself again for trial. Dowie, again appearing, had then pleaded with the complainer for a second continuation; and to this complainer had yielded, trusting to the said procurator's promise that he would not sue complainer again without lawful warning of 15 days. Nevertheless, without premonition or warning, Dowie had called the said suspension and obtained admission of the said protestation, and so had again denounced the said complainer. As, all this notwithstanding, complainer had found
Page 252. caution in £500 to answer this day to the said complaint and to pay the Treasurer £10 for his escheat, he pleads that the said letters of horning ought to be suspended.—Sir Thomas Hammiltoun appearing for the King's interest, the pursuer appearing personally, and Dowy for the defenders, and the said procurator having produced the letters of horning against Kirkpatrik, bearing that on 15th July 1608 he, accompanied by four score persons, and by James Johnstoun, called of Garrell, and Jok Johnnstoun, called of Biggartis, fugitives, all armed, came to the lands of Garrell and reft and destroyed the turfs and elding belonging to the poor tenants thereof, avowing "with mony horrible aithis" to bereave them of their lives if ever
Page 253. they came again to the said commonty to cast or win fuel, the Lords assoilzie Kirkpatrik from this complaint, because, the Lord Advocate and Dowye having referred the libel to his oath of verity, and he being "deiplie sworne thairupon sittand upon his kneis," he has declared his innocence.

Decree against Stewart of Craigyhall for debt.

Action by Edward Meklejohnne, burgess of Edinburgh, against Hary Stewart of Cragyhall, as unrelaxed from a horning of 9th January last for not paying him 1374 merks as principal and 100 merks for expenses.—
Page 254. Pursuer appearing, defender is to be apprehended for not appearing.

Decree against Fraser of Philorth and others for debt.

Action by Johnne Gordoun of Craig of Auchindoir against Sir Alexander Fraser of Phraserburgh, Alexander Fraser, apparent of Phillorth, George Craufurd of Annachie, Hew Crawfurde of Quhythill, Alexander Fraser of Newforrest, and Waltir Fraser, brother of the said Sir Alexander, as remaining unrelaxed from a horning of 29th July 1609 for not infefting pursuer in due and competent form in a yearly annualrent of 14 score bolls of victual, half meal half bear, to be uplifted furth of lands belonging to the defenders in the parishes of Phillorth and Rathane, and also for not paying him the annualrent of 14 score bolls of victual for the year 1607
Page 255. and years subsequent.—Charge had been given to Fraser of Fraserburgh, Fraser, apparent of Phillorth, and Crawfurd of Quhythill, to answer; and now, pursuer appearing, there is decree as above against the defenders.

Complaint by Thomas Lamb, messenger, and Alysone Wilsone, relict of Alexander Lindsay, as follows:—On 25th January last, the said messenger

Thomas Lamb messenger, against Robert Hamilton and others for deforcement.

having required Robert Hammiltoun, bailie of Saltprestoun, to concur with him in executing letters raised by the said Alisone against Hary Carfra in Saltprestoun be-east the Burn, for poinding the goods on the salt pan and in the houses of Richart Hammiltoun, occupied by the said Carfra and his spouse as tenants, for payment of byrun annuals due furth thereof to the said Alisoun, the said Robert and Henry, in the very time of the execution, hounded out "the haill salteris, colyearis, colgrevis, and divers servand wemen" in the said town, to the number of 400 persons; who came to the said messenger and his witnesses, pursued them with rungs and stones for their lives, and forced them to flee.—Charge had been given to Robert Hammiltoun and Henry Carfra to answer; and now, both parties appearing, the Lords find that Hammiltoun, as a magistrate, committed a very great error in refusing to concur with his Majesty's officer and in not staying the tumult, and also that Carfra did wrong in suffering his Majesty's officer to be deforced in his house: for which they are ordained to be committed to ward in the tolbooth of Edinburgh. They are assoilzied from the other points of the complaint. Acta 1609–10. Page 256. Page 257.

James Donaldson against the Magistrates of Stirling for wrongous imprisonment.

Complaint by James Donaldsoun, son of late Johnne Donaldsoun, merchant in Striveling, that in January last the provost and bailies of Striveling committed him wrongfully to ward in their tolbooth, where they still detain him close prisoner.—Charge had been given to James Schorte, provost, and Johnne Scherair, Johnne Cunynghame, and Johnne Henrysoun, bailies, to answer; and now, the defenders appearing and producing Donaldsoun, and having declared that they had apprehended Donaldsoun and committed him to ward on occasion of some trouble fallen out in the burgh between Donaldsoun and a son of Johnne Bruce of Auchinbowy, at which William Robertsoun, burgess of Striveling, had been slain by the said son, young Bruce, the Lords find that the said magistrates acted very lawfully in this matter, but ordain them to release Donaldsoun on his finding caution in 500 merks to answer before the justice for his concern in the said slaughter. Page 258.

Assessors to the Justice.

The Lords nominate the President, Privy Seal, and Kilsyth, to assist the justice by their advice in the trial to be led before him touching the slaughter of Alexander Abircrumbie of Pitmeddin. Sederunts 1609–16. Fol. 11, a.

Edinburgh, 6th February.

Sederunt—Chancellor; Bishop of St Androis; Bishop of Ros; Bishop of Orknay; Saltoun; Sanquhair; Torphichin; Scone; Blantyre; President; Privy Seal; Justice Clerk; Advocate; Clerk of Register; Kilsyth; Bruntiland; Sir Alexander Drummond; Sir Lues Craig; Sir Johnne Arnot; Sir William Hairt.

Bishop of Orkney.

Commission passed to the Bishop of Orknay. See Royal Letter of 20th Jan. 1610.

Mr James Irving.

Warrant to Mr James Irwing, giving him licence to repair to Edinburgh, and to remain there till 15th March for attending on an action of advocation concerning him before the Lords of Session. Fol. 11, b.

Commissons. Fol. 45, b.

As divers persons within the lordship of Douglas and Craufurdmure, belonging to Lord Douglas, are suspected of theft, "pykrie," and slaughter of black fish in forbidden time, commission, passed under the signet, and signed by the Chancellor and St Androis, is given to the said Lord Douglas, empowering him to charge all such to appear before him, and, in case of their refusal, to apprehend them, put them to the knowledge of an assize, and administer justice upon them. Commission of justiciary to Lord Douglas within the bounds of Douglas and Craufurdmuir.

Fol. 46, a.

The Lords understanding that the Captain of Clan Rannald has lately apprehended Johnne Og M°Neill, son of M°Neill of Barra, and has brought him to Glasgow, and seeing it is not equitable that the said Captain should be burdened with the farther transport of the said Johne, there is order to charge the provost and bailies of Glasgow, under pain of rebellion, to receive the said rebel from the said Captain within six hours after his being presented to them, and to transport him to the magistrates of Linlithqu within 48 hours thereafter, and to charge the magistrates of Linlithqu to deliver him to the provost and bailies of Edinburgh within 48 hours after their receipt of him; which last are to commit him to ward in their tolbooth, under pain of rebellion. The charge is passed under the signet, and is signed by the Chancellor and St Androis. Charge for conveying John Og Mac-Neill of Barra from Glasgow, where he now is, to the tolbooth of Edinburgh.

Fol. 46, b.

Fol. 49, b.

As, albeit there are divers Acts of Parliament prohibiting the stealing or slaying of hart, hind, deer, and roe, under pain of death and confiscation of the moveables of contraveners, yet a "grite nowmer of brokin hieland-men and utheris," dwelling adjacent to the forests, parks, and woods of Monar, Ned, Glaslittir, Clunie, Frierennoch, and to Strathconane, Lochbrome, Assint, Cogach, and Weynees, belonging to Kenneth M°Kanzie of Kintaill, continually with hagbuts and pistolets shoot and slay the said Kenneth's deer within the said bounds, and "hes maid ane verie grite spoyle and distructioun thairof," so that the said forests, parks, woods, and bounds, which of late years "wer most aboundantlie replenneist with the saidis deir," are now "become almost destitute of the same," commission is given to the said M°Kanzie of Kintail to apprehend all and sundry who shall hereafter shoot or slay deer within the said bounds and to enter them before the justice. The commission, which is to endure for three years, is passed under the signet, and signed by the Chancellor and St Androis. Commission to Mackenzie of Kintail for preserving the game within certain bounds.

Fol. 50, a.

Acta 1609-10. Page 258.

Sederunt—Chancellor; Bishop of St Androis; Eglintoun; Wyntoun; Lotheane; Bishop of Ros; Bishop of Orknay; Saltoun; Cathcairt; Torphechin; Blantyre; Bugcleuch; Master of Elphinstoun; President; Justice Clerk; Privy Seal; Advocate; M°Kanzie; Bruntiland; Logy; Sir Alexander Drummond; Sir Lues Craig; Sir Johne Arnot; Sir William Hairt. Edinburgh, 8th February.

As "the arte and exercise of making of cloath and stuffis is now become in practize and brocht to a reasonable good perfectioun within this kingdome"; and the King and Council "being cairfull that this so necessar and Act to enforce the Acts against exportation of wool.

proffitable a work, importing so heichlie the commoun benefit of the kingdome, salbe haldin hand to, set fordwart, and advanceit," so that "the poor may be set a-work and the grite deale of treasour which is yeirlie caryed furth of the kingdome for the importatioun of suche commoditeis may be retenit and haldin within the same"; and inasmuch as "nothing is moir forceable to interteny the course and progress of this work then the halding and keiping of the woll within the kingdome, according to the lovable Actis and constitutionis maid be his Majestie and his Estaitis of Parliament to this same effect of befoir; quhilkis Actis by the iniquitie of the tyme hes bene neglectit and oversene thir divers yeiris bigane and mony of his Majesteis subjectis hes tane the bauldness without controlment to mak a commoun trade of the transporting of woll, pairtlie undir the cullour and pretext of licenceis previlie purchest to that effect, and pairtlie be the connivence of these to whose chairge the searcheing of suche forbiddin goodis is committed": on these grounds the King and Council ordain proclamation to be made at the market crosses of the head burghs commanding all and sundry not to export any kind of wool after the publication hereof, under pain of confiscation of the wool and of the other goods of the exporter, and also of the ships in which the same shall be exported.—Connect with Royal Letter of date 20th January 1610. Acta 1609–10. Page 259.

Proclamation against hunting within six miles of the King's palaces or parks.

As, despite divers Acts against hunting or slaying hares within six miles of the King's palaces or parks, some undutiful subjects "hes maid a grite distructioun and spoyll of his Majesteis gayme and pastyme, takand the grittair bauldnes to continew in thair contemptuous doingis by ressoun of thair bypast oversicht and impunite," there is order to charge all and sundry, by open proclamation at the market crosses of Edinburgh, Linlithqu, Striveling, Dunfermelyne, and Falkland, not hereafter to hunt or slay hares with hounds, guns, shot, or otherwise, within six miles of the palaces of Halyruidhous, Falkland, Linlithqu, Striveling, or Dunfermelyne, under pain of warding and fining, according to the quality of the offender. Page 260.

Act explaining that a prohibition of the importation of foreign alum into England applies to Scotsmen.

The art of making alum having been brought to a "grite perfectioun" in England, so that England is "verie plentifullie" supplied with that article within itself, his Majesty, with advice of his English Council, had discharged the importation within that kingdom of any alum, under pain of confiscation of the same. There had been no similar prohibition of the importation of the article into Scotland; which may therefore still import foreign alum for its own need. As it is not to be tolerated, however, that foreign alum imported into Scotland should pass thence into England, proclamation is to be made at the market crosses of the head burghs intimating that the restraint of the importation of foreign alum into England applies to subjects of both kingdoms. Page 261.

Suspension of horning against James and William Gordon.

Complaint by James and William Gordonis, sons of Johnne Gordoun of Lichestoun, that they had been long ago denounced by the late Alexander Abircromby of Pitmedden for not answering before the Council touching their alleged seeking him for his slaughter at his place of Birkinboig, and reiving 200 loads of turfs out of his peatstack of Birkinboig. As

Acta 1609–10. Page 262. they had never been lawfully charged, and did not hear of their denunciation till lately when they were in Edinburgh, and as they found caution each in £500 to answer this day and to pay each £20 to the Treasurer for their escheats, the said horning should be suspended.—Charge had been given to Hectour, Adam, and Robert Abircrombyis, sons of the said Alexander, and to Alexander Fraser of Duris, spouse to Leslie, relict of the said Alexander, to answer; and now, pursuer appearing, but none of the defenders, the Lords do suspend the said horning.

Page 263. Action by Johnne Philp, burgess of Newburgh, against James Forret, fiar of that Ilk, as unrelaxed from a horning of 11th November last for not paying him 212 merks as principal and £20 for expenses.—Pursuer appearing, defender is to be apprehended for not appearing. Decree against James Forret for debt.

Action by Patrik, Earl of Kinghorne, against William Kirkcaldy of Grange and David Melvill of Wester Touch, as unrelaxed from a horning of 15th July last for not paying to the said Earl, for his relief, the Page 264. following taxes imposed on the kirk of Kinghorne:—Kirkaldy 8 merks for each of the second and third terms' payment of the taxation granted to his Majesty in July 1606 for the teinds of the lands of Grange, with 2 merks for the tax in favour of Dumbertane imposed on the said lands; Melvill, 26s. 8d. for each of the same two terms' tax for the teinds of the said lands, with 6s. 8d. for Dunbertane tax thereof.—Pursuer appearing by Stewart, decree as above against the defenders. Decree against William Kirkcaldy and David Melville for non-payment of taxes.

Action by William Archibald, as procurator for Barnard Wassill, prior of the convent of Warines of the Order of the Chairterhous near Paris, and administrator of the "guidis and rentis pertening to the poore scolleris of the Scottis natioun left to thame in legacie be umquhill James Betoun, Archibischop of Glasgow," and so charged with "ingaddering of the saidis guidis and geir," and also as "haveing licence of the commissaris Page 265. of Edinburgh to persew" David, Earl of Craufurd, for being unrelaxed from hornings of 12th and 14th December last for not paying pursuer 360 franks French money, with 300 crowns, and with 10 pounds for expenses of the plea.—Pursuer appearing, decree as above against the defender. Decree against the Earl of Crawford for debt.

Action by James Dalzell, merchant, burgess of Edinburgh, against David, Earl of Craufurd, as unrelaxed from a horning of 8th July last for Page 266. not paying him 800 merks as principal and £100 for expenses.—Pursuer appearing by Archibald Douglas, decree as above against the defender. Another decree against the Earl of Crawford for debt.

Action by Harie Persone, portioner of Nather Baith, against George Martyne of Cardone, as unrelaxed from a horning of 17th January last for not paying him 400 merks as principal and 100 merks for expenses. Page 267. —Pursuer appearing by Archibald Douglas, decree as above against the defender. Decree against George Martin for debt.

Action by James Dalzell, bailie of Edinburgh, against George, Earl Marschell, as unrelaxed from a horning of 9th January last for not paying pursuer £2580, 18s. as principal and £300 of expenses.—Pursuer Page 268. appearing by Archibald Douglas, decree as above against the defender. Decree against the Earl Marischal for debt.

Action by Johne Colquhoun, eldest son and apparent heir of Alexander

Decree against Lady Buchanan and others for not restoring certain teinds.

Colquhoun of Lus, and tacksman of the teinds, both parsonage and vicarage, of the parish kirk and parish of Lus, and by his said father, as administrator for him, against Dame Marie Grahame, Lady Buquhennane, elder, Johnne Logane and Donald Makinnoyre, occupiers of the Easter Mains of Buquhennane, Waltir Logane in , Donald M°Ilcheir in Gartininche, Johnne Buquhennane, alias Waltersoun, in Ballendoir, Donald Buquhennane in Ardoyll, Thomas Buquhennane at the kirk of Buquhennane, James Govan, smith there, George Buquhennane in Ladrische, George Buquhenhan in Bordland, Patrik Buquhennane, Gillespie's son, in Tremmanoch, and Patrik M°Andro Buquhennane in Craitchaill, as all unrelaxed from hornings of 3rd October and 1st November last for not restoring to the complainer the teinds and teindsheaves for 1601 of the lands occupied by them in the parish of Lus, or else paying the prices thereof, and for not desisting from intromitting with the said teinds without the said tacksman's licence.—Pursuer appearing by his said father, decree as above against the defenders. Acta 1609-10. Page 269.

Decree against Moncur of that Ilk for debt.

Action by George Clerk of Newtoun Sordie against Andro Moncur of that Ilk, as unrelaxed from a horning of 20th December last for not paying him 684 merks as principal and £40 for damage, with 296 merks and other £40 for damage and interest.—Pursuer appearing by Alexander Douglas, decree as above against defender. Page 270.

Decree against Lord Herries for debt.

Action by James, Earl of Abircorne, and Sir Johnne Hammiltoun of Lettrik, against Johnne, Lord Hereis, as unrelaxed from hornings of 30th and 31st March last for not paying complainers £20,000 as principal, with £2000 for the two failures mentioned in the letters of horning.—Pursuers appearing by Mr Johnne Hammiltoun, decree as above against defender. Page

Decree against Robert Kidd for debt.

Action by James Spalding, servitor to Frances, Earl of Erroll, against Robert Kyde, flesher, burgess of Perth, as unrelaxed from a horning of 5th January last for not paying him 235 merks as principal and £20 for expenses.—Pursuer appearing, decree as above against defender. Page 272

John Gemmill and sons against John Good and others for hamesucken and mutilation.

Complaint by Johnne Gemmill, notary in Cumnok, and Hew, Andro, and Patrik, his sons, as follows:—On 16th January last Johnne Good, younger in Cumnok, with Adam Andirsone in Orchyaird, David Andirsone, his brother, Robert M°Cubbin in Schankistoun, William Murdoche, cordiner there, and James Boyd there, all armed, came at night to the said Johnne Gemmill's house in Cumnok, while he was standing before his own door, and there not only defamed him but put violent hand on him,—"he being a weak, feable, and decripit aigit man," unable "to stand on his awne feit or walk without a staulff to leane upoun,"—gave him a deadly wound behind the shoulder, and at the same time almost struck the right arm from the said Patrik, and the elbow of the left arm from the said Andro.—Charge had been given to the said Johnne Good and James Boyd to answer, and to James Leithe in Cumnok, Johne Leith, there, Johnne Allane there, Michaell Porter there, Alexander Weir, younger in Pennyfedyoch, Robert Good in Barschairhill, Richard Aird in Schankistoun, David Gemmill in Cumnok, and David Gemmill in Logane, Page 273.

Acta 1609-10. to appear as witnesses; and now, Johnne Gemmill and his sons appearing by one of the said sons, and James Boyd, party, and Johnne Leitch, Johne Allan, and Michaell Porter, witnesses, being also present, but Good and the other witnesses failing to appear, the Lords find the complaint clearly proved against Good, and therefore ordain him to be charged to enter in ward in the tolbooth of Edinburgh within six days after the charge, under pain of rebellion. They assoilzie Boyd from the complaint, and ordain the absent witnesses to be denounced rebels.

Commissions. Fol. 46, b, 47, a, and 47, b. As Paull M°Clerich in Innerkip, Johnne Dow Comrie in Glennaik, Patrik Bell in Strathardill, Andro M°Farlane in Strathee, and Robert M°Nab in Melbie, remain unrelaxed from hornings of 13th September, 27th October, and 1st November, 1609, raised against them by Margaret Scot, relict and executrix of Patrik Drummond of Carnok, and Mr James Drummond, his son, who is constituted assignee in this matter, for not finding caution to answer before the justice for their coming to the lands and place of Monzie, belonging to the said Patrik, and stealing and taking away furth of the houses there their whole insight and plenishing, worth £1000, with 2000 merks of ready gold and told money, six stand of linen napery, and also certain other goods, commission, passed under the signet, and signed by the Chancellor and St Androis, is given to the steward of Stratherne to apprehend the said rebels and bring them before the Council. Commission to apprehend Paul Mac-Clerich and others, at the horn for theft.

Sederunts 1609-16. Fol. 11, b. A commission passed to the Bishop of Orknay anent Orknay and Zetland.—See Royal Letter of 20th January 1610. Bishop of Orkney.

A missive to be written to his Majesty anent Henry Freeland. Henry Freeland.

The proclamation anent the repairing of rebels to England to be renewed. Fugitive rebels.

Fol. 13, a. *Sederunt*—Chancellor; Bishop of St Androis; Bishop of Glasgow; Lynlythqu; Wigtoun; Kinghorne; Lotheane; Bishop of Ros; Blantyr; Privy Seal; Secretary; Collector; Clerk of Register; Justice Clerk; Advocate; Treasurer-depute; Master of Elphinstoun; Sir Robert Melvill, younger; Kilsyth; Mr George Young. Edinburgh, 13th February.

"Ane Act anent the nominatioun of ane new Counsaill." New Council.

"Ane Act contening the oath of the new Counsellouris particularlie abonenameit." Oath of office.

[The *Hamilton MS. Minutes* (p. 400) note these three additional items in connexion with the preceding:—(1) "The Lord Chancellour and uther Counsellours gave thair aithes," (2) "The Aithe of Allegeance of the subjects of the kingdome of Scotland," (3) "Direction from his Majestie to the L. Chancellour anent the Counsell."]

"Ane act anent the deserting of the Generall Assembly."—See Royal Letter of 20th January 1610. General Assembly.

Monro and Ferme, warded ministers.

"Ane charge aganis Mr Johnne Monro and Mr Charlis Ferme."—Connect this with one of the Royal Letters dated from Royston 20th January 1610. Sederunts 1609–16. Fol. 13, a.

The confined ministers.

"Ane charge aganis the confynned ministeris."—Connect with the Royal Letter last mentioned.

Mr James Balfour.

"Ane charge aganis Mr James Balfour."—Connect with the Royal Letter last mentioned.[1]

Edinburgh, 15th February.

Sederunt—Chancellor; Bishop of St Androis; Bishop of Glasgow; Cassillis; Linlithqu; Wigtoun; Lotheane; Bishop of Ros; Blantyre; Secretary; Collector; Justice Clerk; Advocate; Treasurer-depute; Master of Elphingstoun; Kilsyth; Bruntiland; Mr George Young. Decreta 1609–10. Page 274.

Gillenew M'Ilerich against Colquhoun of Luss for the entry before the Council of his man John M'Douill V'Neill, charged with murder.

Complaint by Gillenew M'Ilerich in Litle Hillis Glen, as father of the late Katherine Mkclerich, that Johnne M'Douill V'Neill M'Farlane remains unrelaxed from a horning of 8th January last for not finding caution to answer before the justice for the murder of the said Katherine. As the said Johnne is tenant of Alexander Colquhoun of Lus, dwelling on his lands of Schimoir Glenfinlas, the said Laird of Lus is bound by law to enter him.—M'Ilerich and Colquhoun appearing, the Lords assoilzie Colquhoun, because (1), the deadly feud between the Laird of Lus and the Clan Page 275.

[1] This meeting of the 13th of February 1610 marks a point of some interest both in the history of the Council and in the history of its records:—If the reader will turn to the *Royal and Other Letters* in this volume, he will find, under date 29th January 1610, a copy of an important official missive which was sent out that day by Chancellor Dunfermline and Secretary Sir Alexander Hay to nine of the Scottish Earls (Marischal, Cassillis, Glencairn, Montrose, Linlithgow, Wigtown, Kinghorn, Abercorn, and Lothian), and to the aged commoner Sir Robert Melvill of Murdocairny. It announces to them that his Majesty, "considdering the grite abuse and misordour quhilk of lait yeiris hes bene in the Prevey Counsall of this kingdome by the confusit nomber of personis clameing vote and accesse within the same," had resolved "to reduce this extraordiner and confusit nomber to a certane few nomber of thoise personis selectit be his Majestie upoun whome his Majestie hes repoisit the truste and charge of his affairis heir"; it intimates to each of the ten written to that *he* is one of those thus specially selected; and it requires each of these, without fail, to be in Edinburgh on the night of the 12th of February, so as to be in his place at the first meeting of the new Council on the 13th.—Accordingly, this present meeting of the 13th February, although only four of the ten who had been summoned to it by special missive are present (viz. the Earls of Linlithgow, Wigtown, Kinghorn, and Lothian), is to be regarded as the first meeting of the newly constituted Council; and its very first Acts, as one observes, are:—(1) "Ane Act anent the nominatioun of ane new Counsaill,"—*i.e.* the registration of that warrant or order of his Majesty by which the old Council is discharged and the present new Council nominated; and (2) "Ane Act contening the oath of the new Counsellouris particularie abone-nameit,"—*i.e.* registering the form of oath by which all now present of the new Councillors named in the last Act have been sworn into office at this sitting, and which is to be required from the rest of those nominated when they shall make their appearance at future sittings.—This commencement of a new Council on the 13th of February 1610 is indicated in a somewhat curious fashion in the Council Registers. The minutes of the preceding or now discharged Council, whose last sitting had been on the 8th of February, came to an end at what is now fol. 137 b of the volume of the Register entitled Acta 1609–1610; and at first sight there is no break in the minutes in this volume in consequence of the reconstitution of the Council,—for on the same fol. 137 b we run on into the minutes of the reconstituted Council, not indeed at their first meeting on the 13th of February, but at their next meeting on the 15th. On examination, however, it is found that, while to as

Decreta, 1609–10.

Farlane (caused by the slaughter of M°Farlane, father of the said Johnne, by Colquhoun of Lus, brother of the said Alexander) being removed, the entry of the said Johnne will revive the feud, and "procure grite trouble"; (2) Andro M°Farlane of Arroquhair, chief of the Clan Farlane, has found surety for making all his men answerable to justice, so that the said complainer may have action against the said chief for the entry of the said Johnne, in the revenge of whose father's death the whole of that clan

Page 276. assisted.

Decree against James Wright and others for debt.

Action by Robert Lichtoun, fiar of Ulischeavin, against James Wrycht in Crukstoun, David Steill in Waltoun, and George Steill in Airlie, as unrelaxed from hornings of 30th June and 13th July last, Wrycht for not paying the complainer £45, 3s. 4d. as principal, £12 for expenses, and £6 for each charge, and the other two defenders for not paying him 200 merks as principal and £20 for expenses.—Pursuer appearing by Mr William M'Kane, defenders are to be apprehended for not appearing.

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Protest in favour of Walter Sturrock.

Walter Stirrok, weaver in the Cottertoun of Grehie, appears and gives in a copy of the letters raised by James Bellie, charging him to answer this day for giving him "fyve deidlie woundis in the heid and thrie in the bodie."—Bellie not appearing, the Lords admit Stirrok's protest that he shall not be held to answer farther till again warned.

Decree against Mr James Ross, minister, and his spouse.

Action by Thomas Andirsone in Tullyburn against Mr James Ros,

far as fol. 137 b this volume of the Register had been used for recording indiscriminately both the *Acta proper* or political orders of the Council and their *Decreta* or judicial decisions, that practice ceases precisely at fol. 137 b, and the rest of the volume contains a continuation of the *Decreta* only. In other words, the new Council, on assuming office, had deemed it advisable, or the Clerk of the Council had deemed it advisable, not to mix the *Acta* and the *Decreta* any longer in the minutes of Council, but to keep them apart; and so, while the volume of the *Acta et Decreta* handed on by the discharged Council continued to be used as a minute-book by the new Council, it was for their *Decreta* only (the ordinary and most bulky part of the business of the Scottish Privy Council), while a new volume was provided for their *Acta proper*, or legislative and administrative orders. It is the volume in the Register House now entitled Acta, Feb. 1610—Oct. 1612. Unfortunately, it is imperfect at the beginning, from the loss of the leaves that had contained the Acta of the first three sittings of the new Council, and the main portion of those of the fourth sitting. But for this loss we should have been able to give entire the Acts of their present first sitting of the 13th of February 1610, instead of having to be content with the brief descriptions of these Acts jotted down in the *Book of Sederunts*, and the added particles from the *Hamilton MS. Minutes.*—As we have not the complete text of the "Act anent the nominatioun of ane new Counsaill," we are left to infer from other evidences what was its composition. From the missive letters of the Chancellor and the Secretary summoning the nine Earls above mentioned, and old Sir Robert Melvill of Murdocairny with them, to be present at the first meeting, we are certain of these ten; the recorded sederunt of the present meeting of the 13th gives us sixteen more,—to wit, the Chancellor, the Archbishops of St Andrews and Glasgow, the Bishop of Ross, Lord Blantyre, Privy Seal Cockburn of Clerkington, Secretary Hay, Collector Preston, Clerk of Register Skene, Justice-Clerk Cockburn of Ormiston, Advocate Hamilton, Treasurer-depute Arnott, the Master of Elphinstone, the younger Sir Robert Melvill (son of old Murdocairny), the Laird of Kilsyth, and Mr George Young; and subsequent sederunts yield some additions.—Had we been left to the evidence of the sederunts merely, we should hardly have been aware of any change on the 13th of February 1610, so similar are the sederunts after that date to what they had been before. Probably the only real change was that some useless persons, claiming to be of the Council by old appointment, and liking to appear there now and then, were got rid of, and the body thus made more compact.

minister, and Margaret Cunynghame, his spouse, as unrelaxed from a horning of 12th August 1608 for not warranting to the complainer a letter of assignation subscribed by them, dated 1st and 15th June 1607, containing the sum of £1410 as principal and £100 for expenses, being part of 4000 merks due to the said minister and his spouse by Sir Robert Creichtoun of Cluny and Sir David Hering of Lethintie, as principals, and Johnne Creichtoun of Strathurd, James Skrymgeour of Fardill, and Petir Hay of Kirkland, as cautioners.—Pursuer appearing by Archibald Douglas, defenders are to be apprehended for not appearing. Decreta 1609-10. Page 278.

Decree against Lord Ogilvy for debt.

Action by Johne Mylne, bower, burgess of Montrois, donator of the escheat of the late Robert Lichtoun, burgess there, against James, now Lord Ogilvie, as unrelaxed from a horning of 4th July last for not paying complainer £4 as the price of each of 16 bolls of victual, half bear half meal, being the yearly duty resting owing to said Robert furth of the lands of Wairdroppertoun from 1582 to 1605 inclusively, with £25 for expenses.—Pursuer appearing by Mr William M°Kane, decree as above against the defender. Page 279.

Decree against Livingstone of Dunipace for debt.

Action by Thomas Baxter in the Cannogait against David Levingstoun, apparent of Donypace, as principal, and James Levingstoun, his brother, and Alexander Narne in Levilandis, as cautioners for him, for remaining unrelaxed from a horning of 20th January last for not paying the complainer £1040 as principal and 200 merks for expenses.—Pursuer appearing personally, decree as above against the defenders. Page 280.

Decree against Fairnie of that Ilk for debt.

Action by Andro Philp, merchant, and Archibald Law, goldsmith, burgesses of Edinburgh, against James Fairny, apparent of that Ilk, as unrelaxed from a horning of 29th December 1607 for not paying Philp £131, 16s. 1d. as principal and £30 for expenses, and as also unrelaxed from a horning of 30th December 1608 for not paying Law £150 and £20 for expenses.—Pursuers appearing by Archibald Douglas, decree as above against the defender. Page 281.

Decree against John Lundy and others for lying at the horn for various causes.

Action by Gilbert Keith in Blakhillis, Adam Young in Muretoun, and Johnne Young, his son, against the following persons, as unrelaxed from hornings of 15th January last:—Johnne Lundie, servitor to the late Johnne, Earl of Montrois, for not paying the said Adam and Johnne, as assignees to Keith, £400; and the said Johnne Lundie, James Lundie, his brother, James Stevinsone in the Hill of Morphie, Robert Grahame, apparent of Leuchland, Johnne Thomsone in Glenbervie, and Richard Spark in Drumlethie, for not answering to the pursuers' complaint touching their bearing of hagbuts and pistolets, lying in wait for the lives of pursuers, reiving their goods, wounding their servants, and cutting their horses' tails.—Adam Young appearing, decree as above against the defenders. Page 282.

Decree against Sir William Callendar for debt.

Action by Thomas Couper, tailor, burgess of Striveling, and Maus Miller, his spouse, against Sir William Callender of Bancloych, as unrelaxed from a horning of 29th November last for not paying them 1200 merks as principal and £100 for expenses.—Pursuers appearing by Archibald Douglas, decree as above against the defender. Page 283.

Decreta 1609-10.

William Scott against Walter Grant for assault.

Complaint by William Scott in Haddo of Fyvie that, on 2nd August last, as he was returning home from the Lawrence fair, Waltir Grant in Barroquhash and others most fiercely set upon him with drawn swords and wounded him in the head.—Pursuer appearing, but not the defender, the Lords find the complaint proved, and ordain defender to be charged to enter in ward in the tolbooth of Edinburgh, within 15 days after the charge, under pain of rebellion.

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Commissions. Fol. 47, b.

Dispensation to the Laird of Houston anent his minority.

Charge, passed under the signet, and signed by the Chancellor, St Androis, Cassillis, Linlithgow, Wigtoun, and Lothiane, to Sir Archibald Stirling of Keir, Alexander Cunnynghame of Craganes, Alexander Flemyng of Barrochan, William Wallace of Johnistoun, William Wallace of Ellerseill, and Johne Walkingschaw of that Ilk, sheriffs appointed by special commissions in the shires of Edinburgh, Lynlythgow, Striviling, Dunbartane, and Renfrew, to dispense with the minority of Lodovick Houstoun of that Ilk, son and heir of the late John Houstoun of that Ilk, in order that he may be entered, "be brevis of inqueist of oure chappell," to all lands and annualrents within the said shires that should belong to him as heir to his said father, as lawfully as if he were of the age of twenty-one years,—provided that this shall be no hurt to his Majesty, nor to the persons to whom the ward thereof has been disponed.

Fol. 48, a.

Sederunts 1609-16, Fol. 13, a. Fol. 13, b.

Earl of Cassillis.

"The quhilk day the Erll of Cassillis gaif his aith."—See *ante*, p. 414, footnote.

Act establishing Courts of Ecclesiastical High Commission for the Provinces of St Andrews and Glasgow.

"Ane Act past for publicatioun of the Grite Commissioun of the Churche." [The complete text of this momentous Act is given by Calderwood (vii. 57–62), in the form in which it was embodied in the proclamations announcing it to the lieges, as follows:—"James, by the grace of God, King of Great Britane, France, and Ireland, Defender of the Faith, to our lovits, &c., messingers, our shireffs in that part, conjunctlie and severallie, speciallie constituted, greeting:—Forasmuche as complaint being made to us, in the behalfe of the ministrie of this our kingdome, that the frequent advocatiouns purchassed by suche as were ather erroneous in religioun or scandalous in life not onlie discouraged the ministrie from censuring of vice, but emboldenned the offenders to continue in their wickednesse, using their advocatiouns as a meane to delay and disappoint both tryell and punishment: We, for eshewing of this inconvenient, and that the number of true professors may be knowne to increasse, the antichristian enemie and his grouth suppressed, and all sorts of vice and scandalous life punished, and that nather iniquitie nor delay of tryell and punishment be left by this subterfuge of discouraging of ecclesiasticall censures to proceed on things so meete and proper for them, have, out of our duetie to God and love to his Kirk, being the nourish-father of the same on earth within our dominiouns, givin power and commissioun:—To the Reverend Father in God and our trustie and weilbeloved Counseller, George, Archbishop of St Andrewes, primat and metropolitan of our kingdom; and to our right trust cousin and counseller, Alexander, Erle of Dumfermline, Lord High Chanceller of this our kingdom, George, Erle of

Act establishing Courts of High Commission.

Dumbar, Treasurer, George, Erle of Marshall, Johne, Erle of Marr, Johne, Erle of Montrose, Patrik, Erle of Kinghorne; to the Reverend Fathers in God, Alexander, Bishop of Dunkelden, Peter, Bishop of Aberdeen, Alexander, Bishop of Murray, Andrew, Bishop of Brechin, David, Bishop of Rosse, George, Bishop of Dumblaine, Alexander, Bishop of Cathnesse, and James, Bishop of Orkney; to our trust cousins and counsellers, , Lord Lindsey, Simon, Lord Fraser of Lovat, David, Lord of Skoone; and to our trustie and weilbeloved counsellers, Mr John Preston of Pennycuike, President of our Colledge of Justice, Sir Richard Cockburne of Clerkingtoun, knight, Lord Privie Seale, Sir Alexander Hay, knight, our Secretar, Sir James Hay of Kingaskone, Comptroller, Sir Thomas Hammiltoun of Binnie, knight, our Advocat; and to our lovits Sir David Carnegie of Kinnaird, knight, Dundas of that Ilk, Alexander Irwing of Drum, Ramsay of Balmaine, Mr Johne Arthure, Mr Thomas Hendersone, Mr Adam King, and Mr James Bannatyne, commissars of Edinburgh, Mr Johne Wemes, commissar of St Andrewes, Mr James Martine, rector of the Universitie of St Andrewes, Mr Robert Howie, principall of the New Colledge there, Mr David Monnypennie, dean of facultie, [and] Mr Patrik Galloway, Mr Johne Hall, Mr Peter Hewat, Mr Johne Mitchelsone, Mr Robert Wilkie, Mr Johne Strauchan, Mr Andrew Leitche, Mr Henrie Philip, Mr Arthure Futhie, and Mr Patrik Lindsey, ministers;—or to anie five of them, the said Archbishop being alwise one;—within the whole bounds of the Province of St Andrewes: And to the Reverend Father in God and our trustie and weilbeloved Counseller, Johne, Archbishop of Glasgow; Alexander, Erle of Dumfermline, George, Erle of Dumbar, Johne, Erle of Cassils, James, Erle of Glencarne, Johne, Erle of Wigtoun, James, Erle of Abercorne; and to the Reverend Fathers in God, Gawin, Bishop of Galloway, Johne, Bishop of Argile, Andrew, Bishop of the Iles; and to our trustie cousin and counseller, Walter, Lord of Blantyre; and to our lovits Mr Johne Arthure, Mr Thomas Henrysone, Mr Adam King, Mr James Bannatyne, commissars of Edinburgh, David Forsyth, commissar of Glasgow, Mr James Haliday, commissar of Dumfreis, Mr Johne Hammiltoun, commissar of Hammiltoun, Mr James Hammiltoun, commissar of Lanerick, Sir George Elphinstoun of Eastwod, knight, Mr Patrik Schairp, principall of the Colledge of Glasgow, Mr William Birnie, minister at Lanerick, Mr Johne Hay, persoun of Renfrew, Mr James Hammiltoun, dean of Glasgow, Mr David Schairp and Patrik Walkinschaw, subdeans of Glasgow, Mr Thomas Ramsay, minister at Dumfreis, Mr Johne Bell, minister at Glasgow, and Mr Walter Stewart, minister at ;—or anie five of them, the said Archbishop being alwayes one;—within the whole bounds of the Province of Glasgow:—To call before them, at suche tymes and places as they sall thinke meete, anie person or persons dwelling and remaining within their provinces respective above-writtin of St Andrewes or Glasgow, or within anie dioceis of the same, being offenders ather in life or religioun, whom they hold anie way to be scandalous; and that they take tryell of the same. And, if they find them guiltie and impenit-

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ent, refusing to acknowledge their offence, they sall give command to the preacher of that parish where they dwell to proceed with sentence of excommunicatioun against them; which if it be protracted and their command by that minister be not presentlie obeyed, they sall conveene anie suche minister before them and proceed in censuring of him for his disobedience, ather by suspensioun, deprivatioun, or wairding, according as in their discretioun they sall hold his obstinacie and refuse of their directioun to have deserved. And, further, to fyne at their discretiouns, imprisoun, or warde anie suche persone who, being convicted before them, they sall find upon tryell to have deserved anie suche punishment. And a warrant under the hand of anie five abovenamed of everie province respective above-writtin (the Archbishop of the province being one) sall serve for a sufficient command for the captans and constables of our wairds and castells, and to all keepers of jayles or prisouns, ather to burgh or land, within anie part of the provinces respective above-written, for receaving and deteaning suche persons as sall be unto them directed to be keeped by them, in suche forme as by the said warrant sall be prescribed, as they will answere upon the contrare at their perrell. And of all suche fynes as sall be imposed upon anie offender the one half to perteane unto ourself, and the other halfe to be imployed upon suche necessar things as our said Commissioners sall be forced unto by charging of parteis and witnesses to compeere before them; and the superplus to be bestowed at the sight of the said Commissioners by distributioun among the poore. Commanding the Lords of our Privie Counsell, upon sight of anie certificat subscribed by anie five of the saids Commissioners within everie province as said is (the said Archbishop of the province being one) ather of anie fyne imposed by them upon anie partie compeering and found guiltie, or of the contumacie and refusall of anie to compeere before them, that the saids Lords of our Privie Counsell direct a summar charge of horning upon ten dayes onlie; and that no suspensioun or relaxatioun be granted, without first a testificat under the hand of the Archbishop of the province, conteaning the obedience and satisfactioun of the partie charged, be produced. And, in cace of farther disobedience or rebellioun of the partie who sall be charged for his fyne or not-compeerance, the saids Lords of our Counsell are then to prosecute the most strict order, as is usuall against rebells for anie other caus whatsomever. With power to our saids Commissioners to proceed heerin; as also to take tryell of all persons that have made defectioun or otherwise are suspected in religioun, and as they find anie just caus against them to proceed in maner foresaid; and als whensoever they sall learne or understand of anie minister, preacher, or teacher of schooles, colledges, or universiteis, or of exhorting or lecturing readers within these bounds, whose speeches in publict have beene impertinent and against the established order of the Kirk, or against anie of the conclusiouns of the by-past Generall Assembleis, or in favours of anie of these who are banished, wairded, or confynned for their contemptuous offences,—which,

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being no mater of doctrine, and so muche idle tyme spent without instructioun of their auditorie to their salvatioun, ought so muche the more severelie to be punished in regarde that they are ministers, who of all others sould spend least ydle talke, and speciallie in the chaire of veritie. And therefore, after the calling of them before the said Commissioners, they are to be questiouned and tryed upon the points of that which is layed against them, and punished according to the qualitie of their offence. And, whenas complaint sall be made unto them by anie partie that sall be conveenned before anie ecclesiasticall judicatour for anie suche cryme as he sall be then suspected of, or that the partie doeth alledge alwise the mater itself to be unproper to that judicatour, or the proceeding to have beene unformall, or that the judicatour itself has beene too partiall, and where the Commissioners sall see anie just caus, they are then to take tryell and cognitioun therof unto themselves, and to discharge the said judicatour of all farther proceeding. Giving power also to our said Commissioners to make choice of a clerk and other members of court, and to direct out precepts in name of the said Archbishop and his associats within everie province for citatioun of anie parteis before them within the bounds of the saids provinces in anie of the saids causes abovementiouned; which precepts are to be sealed with a speciall seale conteaning the armes of the said Bishoprick. Giving also power to charge witnesses to compeere before them, under the pain of fourtie punds Scotish money; and, upon certificat of the saids Commissioners that anie of the saids penalteis are incurred by them, the saids Lords of our Counsell are to direct the lyke charges for payment of the same as is appointed for the fynes.—As in the said commissioun, past our great seale, conteaning diverse others heeds, clauses, articles, and conditiouns, and bearing date at our Court at Roystoun the 20th day of Januar last, at lenth is conteaned.—Wherof necessar it is that publicatioun be made to all our lieges, that none pretend ignorance thereof.—Our will is heerefore, and we charge you straitlie and command that, incontinent these our letters seene, yee passe to the said burrowes within the provinces abovewrittin, and therin by opin proclamatioun that yee make publicatioun of the premisses, that none pretend ignorance; and als that yee, in our name and authoritie, command and charge all our lieges and subjects to reverence and obey our saids Commissioners in all and everie thing tending to the executioun of this our Commissioun, and to doe nothing to their hinder or prejudice, as they and ilk one of them will answer to Us and Our Counsell upon their obedience at their highest charge and perell. The which to doe, &c.—Givin under our signet at Edinburgh the 15th day of Februar, and of our raigne the 47 yeeres, 1610.—*Per actum Secreti Consilii.*"] Sederunts 1609–16.

Warding of Alexander Blair.

"The quhilk day a warrand wes past to George Pringle to tak and apprehend Alexander Blair, and to committ him prisoner to the tolbuith of Edinburgh." Fol. 13, b.

Act in favour of Sir William Cranstoun.

"The quhilk day ane signatur signed be his Majestie in favouris of Sir William Cranstoun wes past and exped in Counsell."

Sederunts 1609–16. Fol. 13, b.

"Ane protectioun grantit to the Capitane of the Clan Rannald for tua monethis." Captain of Clan Ranald.

"Ane delyverance past in favouris of the Laird of Esshesheillis for deserting of the day of law anent the slaughter of the brethrene of Brigmure." Act in favour of Laird of Eshesheils.

"Ane commission granttit to the Erllis of Suthirland and Tullibardin, M°Ky of Far, and the Laird of Duffus, for the persute and apprehensioun of Ewir M°Donald M°Allaster and certane utheris denunceit rebellis for the slaughter of umquhile Alexander Murray in Auchinvuich." Commission of justiciary against Ewir MacDonald and others.

"Ane Act anent Mr Johnne Young and utheris ministeris of the presbyterie of Irwing for the ressett of Mr Johnne Campbell." Mr John Young and other ministers.

"Ane charge aganis Mr Johnne [? William] Row to compeir this day xx dayis." Mr John Row.

"The Lordis excuissis the absence of the Erllis of Cassillis, Wigtoun, and Kinghorne for two monethis." Earl of Cassillis and others.

Caution in £1000 by James Fogo for Mr Johnne Campbell, minister at Lus, that he shall appear before the Council this day fifteen days. Mr John Campbell.

"The Lordis excuissis the absence of Sir Alexander Hay, knycht, during his attendance upoun his Majesteis service and quhill his returne agane within this cuntrey."[1] Sir Alexander Hay.

Fol. 14, a.

Sederunt—Chancellor; St Androis; Glasgow; Ros; Glencairne; Wigtoun; Blantyr; President; Privy Seal; Clerk of Register; Advocate; Treasurer-depute; Master of Elphinstoun; Kilsyth; Bruntiland; Mr George Young. Edinburgh, 20th February.

Commissions. Fol. 48, a.

As Allane M°Donald Dowie V°Rorie, eldest [son ?] of Donald Dow M°Rorie of Culnaknok in Trouternes, Johne M°Allane V°Rorie and Donald M°Allane V°Rorie, brother-sons of the late Donald Dow M°Rorie, Johnne Holmoth M°Rorie, brother of the said Donald Dow M°Rorie, Donald Bane M°Eane V°Rory in Trouternes, Donald Roy M°Waltir there, Murdo M°Donald Gorme there, M°Murdo V°Donald Gorme, his son, William Gallate there, Commission to apprehend Allan MacDonald Duy and certain other rebels.

[1] As has been mentioned in a previous footnote (*ante*, pp. 414–415), the volume containing the *Acta* of Council, as distinct from the *Decreta*, from 13th February 1610 onwards, wants the first few leaves. Hence we have had to represent the Acta of the meeting of 15th February by only such descriptive headings of them as are supplied by the *Book of Sederunts*,—viz. by the last twelve items of record under the present sederunt. Supremely important among these is that entitled "Ane Act past for publicatioun of the Grite Commissioun of the Churche." This, in fact, was nothing less than the introduction into Scotland of an analogue of that Court of High Commission for the trial and punishment of heresies, schisms, immoralities, and all other ecclesiastical offences, or offences capable of being construed as spiritual or ecclesiastical, which had been in existence in England since 1583, had been the most powerful engine of Archiepiscopal and Episcopal authority there, and had consequently been the object of incessant denunciation by the English Puritans and other champions of English liberty. Spotswood and the other Scottish prelates had been pressing the King for some time for the establishment of a similar machinery in Scotland; the King's order to that effect had been given, it appears, in one of his letters sent down from Royston on the 20th of January 1610; and now, on the 15th of February 1610, this order takes form as an Act of Council, establishing two Courts of High Commission, one for the Province of St Andrews and the other for the Province of Glasgow. It was the most extensive advance

Johne M^cEane V^cIntailyeour there, Finla M^cMurdo V^cKenneth there, Donald M^cMurdo V^cKenneth, his brother, there, Gillichallum Ouir Vuceanvie there, Donald Dow M^cNeill Du there, Neill M^cNeill Du, his brother, there, Johne M^cInnes Dowie there, Murdo M^cGillichallum, brother of Gillichallum Rasa, Laird of Rasa, Gillichallum M^cRorie V^cLoid in Lewis, Normond M^cGillichallum Moir there, and Rorie M^cGillichallum Moir, his brother, remain unrelaxed from a horning of 18th January last, raised against them by Cristeane Neane Eane Lay, relict of Donald M^cAllaster Roy in Debak, Murdo M^cConeill M^cAllaster Roy, his son, and all the other kin and friends of the said late Donald M^cAllaster Roy, the late Finla M^cInteir, his tenant, and the late Donald Reoch M^cInteir and the late Donald M^cKawin Reoch, servants to the said late Donald M^cAllister Roy, for not finding caution to answer before the justice for the stealing of forty kye and oxen, thirty horses and mares, four score goats, and six score sheep, with all insight and plenishing of the said late Donald M^cAllaster's house in Debak, worth £1000, and for murdering the said late Donald, Finla, Donald Reoch, and Donald M^cKawin Reoch, commission, passed under the signet, and signed by the Chancellor, St Androis, Glencairne, Wigtoun, Glasgow, and Blantyre, is given to Symone, Lord Fraser of Lovat, Kenneth M^cKanzie of Kintaill, Johne M^cKenzie of Garloch, Hucheoun M^cKy of Far, and Rorie M^cKenzie of Reidcastell, to convocate the lieges in arms for apprehending the said rebels, and to enter them, when taken, before the justice. Commissions, Fol. 48, a, 48, b, and 49, a.

Earl of Glencairn.

"The quhilk day the Erll of Glencairne gaif his oath."—See *ante*, p. 414, footnote. Sederunts 1609–16. Fol. 14, a.

Lent.

"Proclamatioun anent Lentrone."

"A charge aganis Mr James Irwing to compeir upoun Thursday nixt."

Anent the Council.

"Directioun from his Majestie to the Lord Chancellour concerning the Counsell:—First, whensoevir the oath of Counsellour is ministrat to ony of thame, he in lyke sorte is to urge of thame the oathe of supremacie [*ante*, vol. vii. p. 374]; and suche [? as] shall ather refuse or delay the geving of it to be excludit frome that place."—See this *ante*, p. 413.

that the new Episcopal system had yet made in Scotland, empowering as it did either of the two Archbishops, with any four of those clergymen or laymen associated with him in the Act, to be a court for the trial of all kinds of ecclesiastical offences, whether among the clergy or the laity, superseding all other courts hitherto concerned with such offences, and to punish such offences not only with the spiritual censures of suspension, deprivation, excommunication, &c., but also with fine and imprisonment, the Privy Council itself to aid and serve in carrying out the sentences.—The Act being so momentous in its nature, and the pages of the original Acta of Council where it was registered in full being wanting, it has been deemed right to insert in the text within brackets the copy of it supplied by Calderwood.—The other eleven jottings from the *Book of Sederunts* either explain themselves as they stand, or will be explained sufficiently by reference to the Index. The Mr Row charged by one of them to appear before the Council, though his Christian name is given there as "Johnne," seems to have been really the Mr William Row mentioned again in the record on the day appointed by the present charge (*infra*, p. 434). Until the new Courts of High Commission should be in operation, the Privy Council itself, it would appear, was showing renewed alacrity in that business of the prosecution of Presbyterian delinquents which these new Courts were to take up and continue.

Decreta 1609–10. Page 284.

Sederunt—Chancellor; Bishop of St Androis; Bishop of Glasgow; Glencarne; Lotheane; Bishop of Ros; Blantyre; Privy Seal; Collector; Master of Elphinstoun; Clerk of Register; Advocate; Kilsyth; Bruntiland; Mr George Young; Mr Johnne Arnote. Edinburgh, 22nd February.

Sederunts 1609–16. Fol. 14, b.

"The quhilk day, Mr James Irwing, minister at Touch, being callit and compeirand befoir the Counsell for transcending the limites of his confyneing, he confessit his offence, protesting that it procedit upoun mistaking the tennour of the charge. He is ordanit of new to remane in his parochine of Touche whill he be fred." Mr James Irving confined to his own parish.

James Kennedy of Culleane ordained to present himself before the Council on 27th instant to answer to the complaint of Archibald Douglas, macer, under pain of 1000 merks. Kennedy of Culzean.

Acta Feb. 1610–Oct. 1612. Fol. 1, a.

Charge had been given to Robert, Lord Creichtoun of Sanquhair, on the one part, and to Sir Robert Dalzell of that Ilk, and Sir Robert Dalzell, his son and apparent heir, on the other, to appear this day to answer for certain mutual "challangeis of provocatioun and defyance."—Both parties appearing, the Lords find that the said Sir Robert Dalzell, younger, "hes utterit some uncomelie and undiscrete speeches, importing a provocatioun and brag aganis the said Lord Sanquhair," and therefore ordain him to be committed to ward in the castle of Edinburgh. They also ordain Lord Sanquhair, and the said Sir Robert, elder, to find caution for keeping the peace, the former 5000 merks and the latter 3000 merks. Charge to Lord Sanquhar and Dalzell of that Ilk to answer for keeping the peace.

Commissions. Fol. 49, a.

Charge to David Brysone, Alexander Dowglas, James Chalmer, and Mr William Stewart, macers of the Council and Session, to make the brieve or brieves of inquest "of our chapell" obtained by Johnne, Lord Hay of Yester, as son and heir of the late James, Lord Hay of Yester, to be served and retoured to the chancellary, notwithstanding his minority, always provided that his entry to his lands and annualrents in his minority be no prejudice to his Highness or to the persons to whom the ward thereof has been disponed. The dispensation is passed under the signet, and signed by the Chancellor, St Androis, Glencairne, Glasgow, and Lotheane. Dispensation anent the minority of Lord Hay of Yester.

Decreta 1609–10. Page 284. Page 285.

Action by Mr Johnne Johnnstoun, advocate, against James Irwing of Cleuchheidis, as unrelaxed from a horning of 4th January last for not paying him £1000 as principal and £100 for expenses.—Pursuer appearing by Archibald Douglas, defender is to be apprehended for not appearing. Decree against James Irving of Cleuchheads for debt.

Page 286.

Complaint by the King's Advocate for his Majesty's interest, and by David Fergusoun, brother of George Fergusoun of Thrave, that George Corrie of Kilwood, David Corrie, his brother, and James Chalmeris, notary in Air, came, about four o'clock in the morning, on 1608, to the place of Thrave, where the said David was taking the night's rest, broke up the doors of the chamber where he lay, entered with drawn swords, hagbuts, and pistolets, and would have slain him but for his own better defence and the help of others.—Charge had been given to George Corrie and David Corrie to answer; and now, pursuers appearing, defenders are to be denounced for non-appearance. David Fergusson against Corrie of Kelwood and his brother for hamesucken and assault.

The Town Council of Peebles against Sir Robert Scott.

Action by the provost, bailies, and council of the burgh of Peblis against Sir Robert Scot of Thirlestane, as unrelaxed from a horning of 3rd August 1597 for not answering before the Privy Council for convocation of the lieges, armed with hagbuts and pistolets, to the complainers' lands, and there destroying five ploughs belonging to the inhabitants of the said burgh, and for afterwards coming to the ports of the said burgh and pursuing the complainers for their lives.—Johnne Dickiesoun, provost, Niniane Louse, bailie, and Johnne Twedy, town clerk, appearing for the pursuers, the defender is to be apprehended for not appearing. Decreta 1609–10. Page 287.

Decree against John Cunningham for debt.

Action by Mathew Chalmer, son of the late Alexander Chalmer in Raithill, against Johnne Cunynghame, now of Bonytoun, oy and heir of the late Johnne Cunynghame of Bonytoun, as unrelaxed from a horning of 1st July last for not paying him 44 merks as the annualrent since 16th November 1581 of 400 merks delivered to the said late Johnne.—Pursuer appearing, decree as above against the defender. Page 288.

Decree against William Todd for not fulfilling a contract.

Action by Robert Hammiltoun, merchant, burgess of Edinburgh, against William Tod, younger in Leith, as unrelaxed from a horning of 1st instant for not infefting pursuer in a back tenement of land lying in the town of Leith, and for not fulfilling other points in the contract made between the late William Tod, elder, cooper in Leith, and the said William Tod and Patrik Tod, his sons, on the one part, and the complainer on the other, of date 25th February 1596, and for not paying pursuer 48 merks yearly as the maill of the said tenement since that time, with the sum of £20 for each term's failure; also for not paying pursuer £6 for his expenses in obtaining decree against the defender before the Council and Session, with 40s. paid to the Lords' collector.—Pursuer appearing, decree as above against the defender. Page 289. Page 290.

Decree against Sir James Sandilands for debt.

Action by Mr Patrik Lindsay, burgess of Couper, against Sir James Sandielandis of Slamannane, as unrelaxed from a horning of 29th January last for not paying him £1500 as principal and £300 for expenses.—Pursuer appearing by Archibald Douglas, decree as above against the defender.

Gilbert Kennedy against Alexander Kennedy and others for hamesucken and assault.

Complaint by Gilbert Kennedy in Holmes, that, in January last, at midnight, Alexander Kennedy, brother of James Kennedy of Culzeane, with David and Hew Correis, brothers of George Corrie of Kelwood, and Johnne Campbell, servitor to the said Alexander, came to complainer's house in Holme, assaulted him with drawn swords, and left him for dead.—Charge had been given to Alexander Kennedy and David Corrie to answer; and now, pursuer appearing, defenders are to be denounced for non-appearance. Page 291.

Decree against Paterson of Hiltarvet and son for debt.

Action by Mr George Young of Wilkiestoun, against Mr Andro Patirsoun of Hiltarvet, and Johnne Patirsone, his eldest son, as unrelaxed from a horning of 14th September last for not paying him £1000 as principal and 200 merks for expenses.—Pursuer appearing by Archibald Douglas, defenders are to be apprehended for not appearing. Page 292.

Action by James Fawsyde, fiar of that Ilk, against George Campbell of

Decreta 1609-10. Page 293.

Killoch, as unrelaxed from a horning of 22nd June 1607 for not paying George Fawsyde, brother of Mr Robert Fawsyde of that Ilk, 2000 merks, and for not fulfilling other heads of the contract between Campbell and George Fawsyde of date 2nd April 1607, whereunto the said James had been appointed assignee on 11th January last.—Pursuer appearing by Mr Alexander Lawsone, decree as above against the defender. Decree against Campbell of Killoch for debt.

Page 294.

Action by William Leyis, merchant, of Edinburgh, against Thomas Megat, servitor to the Earl of Lotheane, as unrelaxed from a horning of 14th December 1609 for not paying pursuer £65, with £10 for expenses.—Pursuer appearing, decree as above against the defender. Decree against Thomas Meggat for debt.

Page 295.

Page 296.

Complaint by Sir James Foulis of Colingtoun, Archibald Penny in Oxingangis, Andro Plane in Badis, Alexander Gibsoun in Dreghorne, Cuthbert Denhome there, and Richard King in Colingtoun, that they have been lately charged by Alexander Fairlie of Braid and William Craig in Grenebank to find caution for their indemnity, the said Sir James in £1000, and each of the others in 500 merks, under pain of horning. As the said sums are excessive, Foullis being a gentleman of small rent, and the rest "verie mean men, taskeris and labourairis of the ground," and as they have nevertheless found caution as required, the said charge should be suspended.—Both parties appearing, the Lords do suspend the charge, and modify the penalties of the said tenants to 100 merks each. Foulis of Colinton and his tenants for suspension of horning.

Page 297.

Complaint by Sir Thomas Kirkpatrik of Cloisburne that his son, Thomas Kirkpatrik, apparent of Cloisburne, who has lately by "fenyeing to be seik and petitioning the Council," procured his relief furth of the tolbooth of Edinburgh, to which he had been committed on 16th January, at the instance of complainer, for divers acts of oppression (*ante*, p. 398), continues his undutiful behaviour in his present liberty, sends daily instructions home to his servants to repeat his offences against complainer, and has caused his said servants violently to enter his ploughs in complainer's lands of Dynnyng, from which he had been removed by decree. Moreover, he is in as "guid constitutioun of body and helth as evir he wes, and gois publictlie athorte the streitis of this burgh."—Charge had been given to the said Thomas to answer, and to Alexander Cunynghame of Corswel and James Cunynghame of Aikit, his cautioners, to enter him before the Council; and now, both parties appearing, the Lords ordain the said Thomas to be again committed to ward in the said tolbooth. The younger Kirkpatrick of Closeburn re-committed to ward.

Page 298.

Complaint by the presbytery of Peblis that, notwithstanding the ordinance of the General Assembly, made with the consent of his Majesty, forbidding burying in kirks, yet divers persons do bury in the kirk of Innerlethane. Complainers pray that an Act of Council may be passed in consequence; and the Lords ordain that no one shall be buried within any of the kirks of the said presbytery, except those having "ane heritable rycht," or those obtaining the consent of the ministers and elders of the parish, under pain of £40 for the use of the poor of the parish. The presbytery of Peebles and the right of burial in the kirk of Innerleithen.

The Lords having resolved on building a bridge at Dalzellis Mill, and on repairing the bridge called the New Brig, so as to provide Act in favour of John Brown at Gorgiemill

in the matter of the bridge at Dalzell's Mill and the New Brig.

easier passage of the lieges between Edinburgh and the West, had granted a certain duty on all passengers and goods crossing the water at the New Brig, Sauchtonhall Foorde, and the Slate Foorde, and had appointed Johnne Broun at Gorgy Mill collector of the said duty and trustee for the said works. The said Johnne, having brought the said works to a "reasounable good perfectioun,—the haill pillairis thairof being alreddy perfytit, and the same resting now at the laying over the pend,"—had petitioned that, as the time appointed for uplifting the said duty was almost expired, the Council would prolong the time, so that the said works might be finished; and the Lords had appointed the Bishop of Orknay, the Laird of Dundas, David Dundas of Prestinche, and Alexander Inglis of Rottoneraw, to audit Broun's accounts, and to report thereon.—Their report having been favourable, and it being a "schame and discredite to the cuntrey" that the said works should remain unfinished, the Lords now, on Broun's petition, continue the time for three years after the date hereof, provided that Broun first find caution in 3000 merks that within that space he will complete the said bridge of Dalzellis Mill and sufficiently repair the New Brig. Decreta 1609–10. Page 299. Page 300.

Kennedy of Culzean and his tenants against Kennedy of Balquhan for oppression.

Complaint by David M°Gill, Neill Ranking, William Campbell, , spouse of Johnne M°Feggan, said M°Feggan, all tenants of James Kennedy of Culzeane, and by said Laird as their master, as follows:—M°Gill having gone with a load of malt to a tenant of John Kennedy of Blaquhan, on 22nd July 1608, Gilbert Kennedy in Balgregan, servitor to the Laird of Blaquhan, took from M°Gill the said malt and carried it to the place of Blaquhan; and, when the said M°Gill, Neill M°Ranking, and William Campbell went to the said Laird for redress, he laid them in the stocks and detained them therein as prisoners half-an-hour. Again, on 1st January last, the said Gilbert Kennedy and others, all armed, came to M°Feggan's house in Kirkbryde and with drawn sword gave his spouse three deadly wounds.—Both parties appearing (except M°Feggan and his spouse), the Lords assoilzie the Laird of Balquhan, pursuers having failed in proof against him, but find M°Fadyean's wife to have been hurt by the said Gilbert, and therefore ordain him to be committed to ward in the tolbooth of Edinburgh. They further ordain the Lairds of Blaquhan and Culzeane to find law-surety *hinc inde* in 5000 merks, and the Laird of Blaquhan to find also law-surety in £1000 to Andro M°Nacht, who has been produced as a witness in this process. Page 301. Page 302.

Edinburgh, 24th February.

Sederunt—Chancellor; President; Blantyr; Master of Elphinstoun; Privy Seal; Brintyland; Sir Johnne Arnott. Acta Feb. 1610–Oct. 1612, Fol. 1, b (imperfect); and Sederunts 1609–15, Fol. 14, b, and 15, a.

Escape of Kirkpatrick, younger of Closeburn, from his ward in the Tolbooth

"The quhilk day Dame Margaret [? Agnes] Maxwell, Lady Amisfeild, being examineit anent the forme and maner of the eschaiping of Thomas Kirkpatrik, appeirand of Closburne, hir sone-in-law, furth of his warde within the tolbuith of Edinburgh, deponis and declairis:—That

Acta Feb. 1610-Oct. 1612, and Sederunts, 1609–16.

of Edinburgh: and examination and punishment of Lady Amisfield, and of Andro Whyte, one of the keepers of the Tolbooth, for their concern in the escape.

the said Thomas send unto hir, saying that he wes very evill at ease by the unhelthsome air of that house, and desyrit hir that she wald use hir moyen and credite with Andro Quhyte to bring him doun to hir chalmer for his recreatioun. Whereupoun sho delt with Andro Whyte, and shew to him that sho hoipit to bring the said Thomas to conformitie with his fader, and to move him to submitt all differenceis betuix thame, and to subscryve ane blank, and to putt the same in the handis of the Erll of Glencairne, his uncle: for whilk purpois sho eirnistlie requeistit the said Andro to bring the said Thomas quietlie down to hir, and she promiseit that he sould go bak agane with the said Andro. And that the said Andro yeildit to hir requeist, and broght him downe to hir chalmer yisternyght aboute fyve of the cloke; and when he came downe to hir chalmer she causit mak ane possett, and gaif the said Thomas ane drink thairof and after he had druckin he reteirit himselff to ane litle inner chalmer, and in the meantyme eschaiped by [*i.e.* without] hir knowlege.—And, the said Andro Whyte being examinat, and confronted with the said Lady, he confessit, deponit, and declairit:—That the Lady delt with him to bring the said Thomas downe to hir chalmer, saying that sho hoiped to draw him to termes of conformitie with his fader, to subscryve ane blank anent all thair differenceis, and to putt the same in the Erll of Glencairnis handis, and promeist that the said Thomas sould immediatlie go bak agane to the tolbuith with the said Andro. Wherupoun the said Andro broght the said Thomas downe to the Ladyis chalmer, whair sho had prepairit ane wyne possett, and gaif the said Thomas to drink thairof; and when he had druckin he reteiris himselff to ane inner chalmer. And, the said Andro missing him, and demanding of the Lady whair he wes, she answerit that the drink had tane him be the hairt, and that he wes gone to the chalmer to vomett. And sone thairefter the Lady askit of the said Andro what wes the dangeir yf the said Thomas eschaiped; to whome the said Andro answerit that it wald coist him his lyff. Whereupoun the Lady began to trimble; and Andro, suspecting some evill, past in to the inner chalmer to haif gottin the said Thomas, and fand him not thair, he being eschaiped.—The Lordis ordanis the Lady to be committit prisouner in the tolbuith of Edinburgh, and ordanis Andro Whyte to be layed in the irnis."

Sederunts 1609–16. Fol. 15, a.

Edinburgh, 27th February.

Sederunt—Chancellor; Bishop of St Androis; Bishop of Glasgow; Lotheane; Blantyr; Bishop of Ros; Master of Elphinstoun; President; Privy Seal; Clerk of Register; Advocate; Sir Robert Melville; Kilsyth; Sir Johnne Arnott; Mr George Young.

Acta Feb. 1610–Oct. 1612. Fol. 2, a.

The Earl of Perth to be admitted of the Council.

The Chancellor having presented a letter signed by his Majesty directing the admission of the Earl of Perth to one of the void places in the Council (see Royal Letter of date 14th February 1610), the Lords ordain the said Earl's oath to be received at his first coming.

Hucheoun M^{c}Ky of Far appearing, conform to the Act whereby

Protest for Mackay of Farr.

Arthour, Lord Forbes, had become surety for him (*ante*, p. 379), and having protested that his cautioner is thus exonered of his caution, the Lords admit the protest; but they ordain Hucheoun to find other caution in 3000 merks within eight days for his answering before the Council when charged on twenty-one days' warning to such complaints as may be made against him.—See Royal Letter of date 22nd February 1610. Acta Feb. 1610–Oct. 1612. Fol. 2, b.

Caution for Mackay of Farr.

Caution by George Monro of Tarrell and Hector Monro of Assint for Hucheoun M^cKy of Far, that he will answer before the Council on 6th March next to the hornings produced against him by Mistress Elizabeth Sinclair, Lady Strathnaver, under pain of 5000 merks. Sederunts 1609 16. Fol. 15, b.

Thomas Fraser.

Commission to the sheriff depute of Abirdene to take Thomas Fraser, brother of the Laird of Muckallis, at the horn for the slaughter of William Forbes.

Laird of Dalziel.

Warrant for release of the young Laird of Dalzell from the castle of Edinburgh, on his finding caution in 3000 merks for keeping the peace. Fol. 16, a.

Sir Alexander Hay, secretary.

Nicol Kynneir, servitor to Sir Alexander Hay, secretary, produces a letter signed by David, Bishop of Ros, and Mr David Lindsay, minister at Leyth, testifying that on 11th instant the said Sir Alexander communicated in the Kirk of Leyth at the Lord's Table.

Commission to apprehend Colin Bruce, who has returned from banishment without licence.

Colyne Bruce in the middle Hauch of Huntingtour, having been sued before the justice in the tolbooth of Edinburgh for reset of the clan Gregour, had become in the King's will, and, though meriting death for the said crime, had been punished only with banishment for life, on caution in 5000 merks not to return under the pain of death. Accordingly, he had found Patrik Bruce of Fingas cautioner for him to that effect. The said Colyne having nevertheless now returned within the realm, commission is given to the said Patrik to convocate the lieges in arms for apprehending him. The commission is passed under the signet, and is subscribed by the Chancellor, St Androis, Glasgow, Lotheane, and Blantyre. Commissions. Fol. 50, a.

Commission to apprehend Walter Leith and other rebels, at the horn for slaughter.

As Waltir Leith, brother of George Leith of Overhall, Alexander Glaster, his servant, Thomas Johnestoun, called The Merchand, Johne Wilsoun, servant to Johnne Leith of Harthill, and Johne Innes, servant to Johne Gordoun of Newtoun, remain unrelaxed from a horning of 17th instant, used against them by Clair Leith, relict, Thomas and Alexander Ferquhersonis, sons, and Johnne Ferquhersoun of Innergan, brother, of the late William Ferquharsone in Sawchie, for not finding caution to answer before the justice for invading the said William with bows, two-handed swords, hagbuts, and pistolets, and giving him "sindrie deidlie wounds in his body, of the quhilkis woundis the said umquhile William hes depairtit this lyff," commission, passed under the signet, and signed by the Chancellor, St Androis, Glasgow, Lotheane, and Blantyre, is given to the sheriff depute of Abirdene, Alexander Gordoun of Cluny, and Johne Robertsoun of Straloche, to apprehend the said rebels. Fol. 53, b.

Acta Feb. 1610–Oct. 1612. Fol. 2, b.

Sederunt—Chancellor; Bishop of St Androis; Bishop of Glasgu; Cassillis; Lynlythqu; Perth; Bishop of Ros; Blantyre; Master of Elphinstoun; President; Privy Seal; Comptroller; Advocate; Kilsyth; Brintyland; Sir Johnne Arnott; Mr George Young. Edinburgh, 1st March.

James, Earl of Perth, and Sir James Hay of Kingas, comptroller, acknowledging his Majesty's favour in preferring them to be of his Council, now, "upoun thair kneis, thair handis lyand upoun the holie evangell," give their oath of allegiance, and the oath of a Privy Councillor. Earl of Perth and Sir James Hay admitted of the Council.

The Lords excuse the absence of the Earl of Lynlythqu from the Council for the space of one month. Earl of Linlithgow.

Decreta 1609–10. Page 302.

There being due to Jonnet Birs, relict of Petir Ronnald, sometime tailor to the Queen, the sum of £1300, the Lords ordain Sir James Hay of Kingask, comptroller, to pay her the said sum. Debt by the Queen to the widow of her tailor.

Action by Sir James Creichtoun of Ruthvenis and Silvester Rattray of Craighall, against Sir Robert Crichtoun of Cluny, as unrelaxed from a horning of 6th July last for not relieving them, as cautioners for him, at the hands of Sir William Grahame of Braco, and dame Margaret Keith, his spouse, of the payment of 3200 merks as principal and 600 merks for expenses.—Pursuer appearing by Archibald Douglas, defender is to be apprehended for not appearing. Decree against Crichton of Cluny for not relieving his cautioners.

Page 303.

Action by George Spence, writer, burgess of Edinburgh, against Alexander Stewart of Brighouse, as unrelaxed from a horning of 3rd February last for not warranting to pursuer a yearly pension of 12 bolls of wheat and 20 bolls of bear, with £24.—Pursuer appearing by Archibald Douglas, decree as above against the defender. Decree against Stewart of Brighouse for not granting warrandice.

Page 304.

Action by Mr James Stewart of Ladywell and Johnne Cunnysoun in Dunkeld against Alexander Stewart in Balnakill, Johnne Fergusoun in the Hauch of Dulsche, and Donald Fergusoun in Petegrie, as principals, and Johnne Stewart of Auchnahoill as cautioner for the said Alexander, and Johnne Stewart, apparent of Petfurie, as cautioner for said Johnne Fergusoun, for remaining unrelaxed from a horning of 20th January last for not paying complainers £1000 as principal and £200 for expenses.—Pursuers appearing by Archibald Douglas, decree as above against the defenders. Decree against Alexander Stewart and others for debt.

Page 305.

Action by Nicoll Young, merchant in Edinburgh, against James, now Earl of Athoill, as unrelaxed from a horning of 13th February last for not paying him 2697 merks and £200 for expenses.—Pursuer appearing, decree as above against the defender. Decree against the Earl of Atholl for debt.

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Action by Sir James Douglas of Drumlangrig against the persons afternamed, as unrelaxed from hornings of 21st and 22nd July last for not paying pursuer, for his relief, their shares of the first three terms of (1) the taxation granted to his Majesty in July 1606, (2) the taxation granted in favour of Dunbertane:—Waltir Scot of Bugcleuch, £44 for the first taxation for his forty-four poundland of Quhytchester and Synnok, Decree against LordBuccleuch and others for non-payment of taxes.

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held by him of the complainer, with £11 for the second taxation for the said lands; Walter Scot of Harden, £10 for the ten pound land of Elrig for the first taxation and 50s. for the second taxation; Walter Scot of Goldilandis, 40s. for the forty shilling land of Brunhauch, 33s. 4d. for the 33s. 4d. land of Ennetscheillis, 5 merks for the five merkland of Harwood-hill, and 5 merks for the five merkland of Nether Harwood, for the first taxation, with the fourth part of the same sums for the second taxation; William Scot of Howpaislay, for his lands of Howpaislay 10 merks, for his five merkland of Romsyclavis 5 merks, and 40s. for his forty shilling land of Schawis, for the first taxation, with the fourth part of the said sums for the second taxation; William Scot of Chalmerlane Newtoun, 5 merks for his five merkland of Lairis for the first taxation, with 16s. 8d. for the second taxation; Waltir Scot of Todschawhauch, 40s. for his forty shilling land of Quholmes for the first taxation, and 10s. for the second taxation; James Scot of Flex, 5 merks for his five merkland of Flex for the first taxation, with 16s. 8d. for the second taxation.—Charge had been given to the defenders, except the Lairds of Goldilandis and Howpaislay, to answer; and now, pursuer appearing by James Dowie, there is decree as above against the defenders. Decreta 1609–10. Page 308.

Decree against Scott of Howpaisley for not removing from certain lands, and against him and James Gledstanes for non-payment of taxes.

Action by Sir James Douglas of Drumlangrig against William Scot of Howpaislay, as unrelaxed from a horning of 11th July 1607 for not removing from the complainer's five merkland of Longhauch, five merkland of Ramseclewis, the land called Diksone's Reid, the lands of Howpaislay, and the lands of Schawis, conform to a decree obtained against him; also against said Scot and James Gledstanes of that Ilk, as unrelaxed from hornings of 21st and 22nd July last for not paying complainer, for his relief, their parts of the two taxations mentioned in last Act,—viz. Scot £54 10s. for his lands of Ramseclewis, Howpaislay, and Schawis, held by him of the complainers, and Gledstanes £32, 10s. for his lands of Edzerstoun and Edzerstoun Scheillis.—Pursuer appearing by James Dowy, decree as above against the defenders. Page 309.

Adam Reid against Donald Ferguson and others for assault with intent to murder.

Complaint by Adam Reid, younger in Pitnacrie, as follows:—On 16th January last, Donnald Fergusoun in the Wood of Adradeir, and Feidar M°Kerras and M°Mullair Tailyeour, his servants, learning that complainer was in the house of Johnne Moresoun in Muleing, conveyed themselves at midnight to the chamber where he was sleeping; and, "finding him on a sound sleip, thay entered in a quiet dispute quhidder to tak his lyff sleipand or gif thay sould walkin him and than dispatche him." Having resolved first to waken him, "thay did tousill and kitle him with thair handis; and thairwithall afoir he wes throughlie walknit pat violent hand in him, and with drawin swordis and durkis gaif him mony deidlie woundis in divers pairtis of his body."—Pursuers appearing, but not the defenders, the order is to denounce these rebels. Page 310.

Decree against Cockburn of Henderland for debt.

Action by Mr Johnne Ker, minister at Lyne, against Thomas Hay of Scrogis and William Cokburne of Hendirland, as unrelaxed from hornings of 27th July 1598 and 12th February 1602 for not paying pursuer the

Decreta 1609-10. Page 311.

sums of money and bolls of victual specified in the letters of horning.—Pursuers appearing by Alexander Douglas, Cokburne (alone cited) is to be apprehended for not appearing.

Decree against Robert Maxwell and Thomas Gairden for debt.

Action by Silvester Rattray of Craighall against Robert Maxwell, brother of Sir David Maxwell of Teling, and Thomas Gairdin of Legarstoun, as unrelaxed from a horning of 2nd February last for not paying pursuer 1200 merks as principal, £200 for damage and interest, and £100

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for expenses.—Pursuer appearing by Archibald Douglas, decree as above against the defenders.

Neilson of Assynt against Mackenzie of Cogach for suspension of horning.

Complaint by Donald Neilsoun of Assint, that he is put to the horn by Rory M°Kanzie of Cogache for not answering before the Council for his alleged coming, with convocation, to the said Rory's lands of Lachanshas,

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demolishing the sheils built thereon, houghing three score of his kye, and "stowing of the taillis fra his horse." As he had not been lawfully charged, and as he found caution in £500 to answer this day, the said horning should be suspended.—Pursuers appearing, but not the defender, the Lords do suspend the horning.

Protest in favour of Andrew Meldrum.

Andro Meldrum, brother of Patrik Meldrum of Cowhill, appears, and gives in a copy of the letters raised by Johnne Watsoun in Blakfurde, and Jean Meldrum, his spouse, charging him to answer this day for his alleged

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coming at night in December last to their house in Blakfurd, and with a drawn sword wounding Watsoun in the head, and his spouse "in the left paip, scho being bot twa nychtis preceiding deliverit of hir birth." Neither Watsoun nor his spouse appearing, Meldrum protests that he shall not be held to answer farther till again warned; and the Lords admit the protest.

Robert and George Oliver against Robert Scott and Alexander Fraser for assault and mutilation.

Complaint by Robert Olipher in Langnewtoun-mill, and George Olipher, stabler in Edinburgh, as follows:—The said Robert, as principal, and the said George, as cautioner for him, being bound to pay a certain sum of money to Johnne Scot in Edinburgh, had offered the money to him in Edinburgh on 19th February last; whereupon, Scot had made an appointment with them at John Gairn's tavern in the Cowgate. Thither the said Scot had come, with Alexander Fraser in Leith in his company; and, the complainers having told down the money on the board, and desired a dis-

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charge, Scot had not only refused, but had caused Fraser perforce to carry away the money, and had locked the complainers in the house, where they were detained till the two defenders returned with swords, whingers, and gauntlets. With these they attacked complainers, and mutilated the said George of three fingers of his left hand.—Complainers appearing by George Tod, and Fraser being also present, the Lords ordain Scot to be denounced for not appearing.

The Earl of Home against Armstrong of Mangerton for convocation and reiving.

Complaint by Alexander, Earl of Home, and Sir Thomas Hamiltoun of Bynnie, for his Majesty's interest, that, in January last, Archibald Armestrang of Mengertoun, with convocation to the number of 24 persons, all armed with hagbuts, pistolets, and other weapons, came to the said Earl's

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lands of Grena and Holme, where there were stacks of corn belonging to

him, and violently reft twelve score thraves of the said corn.—Hamiltoun appearing personally, and the Earl by Johnne Cranstoun, the Lords ordain Armestrang to be denounced rebel for not appearing. Decreta 1609–10.

Decree against the Earl of Atholl for debt.

Action by Mistress Dorathie Stewart, eldest living daughter of the late James, Earl of Athoill, and William, Master of Tullibardin, now her spouse, against James, now Earl of Athoill, as unrelaxed from a horning of 19th May 1607 for not paying them £1000 as the last term's payment of 3000 merks specified in a decree dated 10th October 1604.—Pursuer appearing, defender is to be apprehended for not appearing. Page 317.

Corrie of Kelwood and his brother against David Fergusson, for suspension of horning.

Complaint by George Corrie of Kelwood, and David Corrie, his brother, that they are denounced at the instance of the King's Advocate and of David Fergusoun, brother of George Fergusoun of Thrave, for not answering before the Council touching alleged assault on the said David in the place of Thrave with drawn swords, and "presenting of hagbutis and pistolletis to his breist." As they had not been lawfully charged, as they would have purged themselves if they had been, and as they found caution to appear, the said George in 1000 merks and his brother in 500 merks, the horning should be suspended.—Both parties appearing, the Lords do suspend the horning. Page 318.

Suspension of horning against David Campbell of Skeldoun.

Complaint by David Campbell of Skeldoun, that he is put to the horn by Jeane Crawfurd, spouse of Johnne M^cDowell of Logane, for not entering before the Council Robert Campbell in Potterstoun, alleged to be his tenant, to answer for "certane insolenceis" committed by him against her. At the time of his being charged he "wes visited with the disease of the fever, and thairby unable to ryd or gang"; before his denunciation the said Robert had been removed from his lands; even if he had been bound to enter the said Robert, he could not have done so, as the said Robert is a fugitive in Ireland for slaughter; moreover, complainer is "ane mean gentleman, aigeit and decrippit, past threscore sevinten yeiris, and is not able to exhibite the said Robert, he being a clannit man," who had possessed the complainer's lands by force. On these grounds, and because he found caution in £500 to answer this day, the said horning should be suspended.—Pursuer appearing personally, and the defender by George Corrie of Kelwood, her son, the Lords do suspend the said horning, but ordain complainer to find caution in 500 merks not to reset the said Robert Campbell. Page 319. Page 320.

Mr John Campbell, minister.

The Lords, with consent of James Fogo, who was cautioner for Mr Johnne Campbell, minister at Lus, continue the day of entry of the said Mr Johnne (which was appointed to be this day) to the first Council day of April next. Sederunts 1609 16. Fol. 16, a.

Act in favour of Sir Gideon Murray.

Signature by his Majesty in approbation of Sir Jedeone Murray's service in the middle shires of this kingdom passed and approved by the Council.

Edinburgh, 6th March.

Sederunt—Chancellor; Bishop of St Androis; Bishop of Glasgow; Lotheane; President; Master of Elphinstoun; Advocate; Brintyland; Kilsyith; Sir Johnne Arnott; Mr George Young. Acta Feb. 1610–Oct. 1612. Fol. 2, b.

Acta Feb. 1610–Oct. 1612. Fol. 2, b.

Commission to the Bishop of Galloway for visitation of the kirks of his diocese.

Understanding that "the governament of the kirkis within the boundis of the diocey of Galloway hes bene very far neglectit and overseene thir yeiris bigane be ressoun that thair hes bene no visitatioun of the said kirkis nor na cair nor tryale tane whiche of thame ar unplantit and what other defectis ar within the same requiring amendiment," therefore his Majesty "oute of his cair and love to the Churche, being nuris-fader of the same within his Majesteis dominionis and upoun assuired knowledge of the goode" [the Record becomes imperfect, the upper part of the folio being destroyed], gives full power and commission to the Bishop of Galloway to visit the diocese of Galloway and to take order for repairing of the kirks of the said diocese and for planting of the same with ministers, "and for. . . . quhair the same may be moist commodiouslie done . . . . chynnaris quhair the provision and stipend is small and unable for . . . . , with pouer to him to call befoir him the parrochynnaris of eache parroche, with thair pastour yff thay ony have, and with thair consent to conclude and resolve upon ony suche course as salbe fittest and most expedyent bothe for the repairing of the decayit and ruynous kirkis and provisioun of the ministerie," and to do all other things necessary to advance this business. —Compare with the Royal Letter of 20th January 1610.

Acta Feb. 1610–Oct. 1612, Fol. 3, a and 3, b (imperfect), and Decreta 1609–10, Pages 320 and 321.

The King's Advocate against Mr James Stewart and others in Orkney and Shetland for acts of oppression in name of the imprisoned Earl of Orkney.

Complaint by Sir Thomas Hammiltoun of Bynnie, King's Advocate, for his Majesty's interest, as follows:—Patrik, Earl of Orknay, having been committed to ward in the castle of Edinburgh for certain acts of oppression on the lieges of Orknay and Zetland (*ante*, p. 371), his Majesty had expected that this proceeding against the said Earl would have procured some peace to the "poor distressit people" there, and would have restrained the insolence of the said Earl's deputies and servants. Yet Mr James Stewart, brother of the said Earl, Edward Scola and David King, sheriff deputes of Orknay and Zetland, Henrie Blak, captain of the castle of Kirkwall, and Thomas Sinclair, servitor to the said Earl, assisted by the said Earl's soldiers, who are still kept under his pay and command, continue all kinds of oppression, not only against those who presented their complaints against the said Earl, "bot aganis all utheris of quhome thay ar in hoip to extort ony proffeit and commoditie," so that his Majesty's poor subjects within these bounds "ar in als evill ane estaite and conditioun now undir the tirrany of the personis particularlie abonewrittin as thay wer before in the tyme of the said Erllis libertie."—Pursuer appearing personally, the defenders are to be denounced rebels for non-appearance.

Commissions. Fol. 51, a.

Protection to Donald Gorme of Sleat while he is attending on the Council.

Donald Gorme of Slait having, in testimony of his "humble obedyence" to his Majesty, come to Edinburgh to underlie the direction of the Council anent himself and his clan and anent the peace of the Isles and Highlands, and it being right that during his attendance on the Council he should not be troubled on any other account, charge is given to all judges, officers, and ministers of the law not to arrest or trouble the said Donald for any cause whatever, or by virtue of any letters of warding, horning, or caption, till 1st May next. The protection, passed under the signet, is subscribed by the Chancellor, St Androis, and Lothiane.

License to John Lands, burgess of Edinburgh, to make a vault opposite his low booths in the High Street.

License under the signet, subscribed by the Chancellor, St Androis, and Lothiane, to John Landis, merchant, burgess of Edinburgh, to "big and mak ane vowt within oure hie gait and calsay of oure burgh of Edinburgh, foiranent his laiche buithis undirmest of his tenement of land quhilk appertenit of before to Mr Alexander Syme, advocat, lyand upoun the south syde of the hie gait of the said burgh betuix the tenement of land of Alexander Ramsay on the eist and William Justice on the west: quhilk vowt sall extend to and fra the ground of the saidis tua undirmest buithis in and to our said hie gait and [in ?] breid to twenty futtis and in lenth fra the eist to the west as is boundit." Commissions. Fol. 51, b.

Commission to apprehend John Carruthers, at the horn for slaughter.

As Johnne Carrutheris in Netholme, sometime servitor to Robert, Lord Sanquhair, remains unrelaxed from hornings of 30th January and 5th February last, at the instance of James Lindesay of Fairgirth, brother son, and the other kin and friends, of the late Andro Lindesay, servitor to the late Johnne, Lord Hereis, for not answering before the justice for the slaughter of the said Andro, commission, passed under the signet, and signed by the Chancellor, St Androis, and Lothiane, is given to the sheriff of Drumfreis to apprehend the said Carrutheris. Fol. 52, a.

George Monro of Tarrell and Hector Monro, appearing as cautioners and procurators for Hucheoun M^cKy of Far, produce in his name a relaxation from the hornings led against him the last Council day by Mrs Elizabeth Sinclair, Lady Strathnaver, and protest that, in respect thereof, they are exonered of their cautionary.—The protest is admitted. Sederunts 1609–16. Fol. 16, b.

Edinburgh, 8th March 1610.

Sederunt—Chancellor; Bishop of Sanctandrois; Bishop of Glasgu; Montrois; Lynlythqu; Perth; Wigtoun; Lotheane; Bishop of Ros; Blantyre; Privy Seal; Comptroller; Collector[1]; Clerk of Register; Advocate; Master of Elphinstoun; Kilsyith; Brintyland; Mr George Young.[1] Acta Feb. 1610–Oct. 1612. Fol. 3, b.

Earl of Montrose admitted on the Council.

Johnne, Earl of Montrois, acknowledging his Majesty's favour in preferring him to be one of the Privy Council, gives his oath of allegiance and the oath of a Privy Councillor with the usual solemnities (*ante*, p. 429).

Leave of absence to the Archbishops of St Andrews and Glasgow.

The Lords excuse the absence of the Archbishop of St Androis from Council till 15th May next, and the absence of the Archbishop of Glasgow till 15th April next.

To denounce Mr William Row.

Mr William Row, for his misbehaviour at the synod of Perth, had been charged to . . . . . , and to remain . . . . [the upper part of the folio destroyed], under pain of rebellion. He has not only disobeyed the said charge, but, "to the forder contempt of his Majestie," repairs to all parts of the country at his pleasure, teaches in . . . . . , "and frequentis prisqitereyis and" . . . .—Charge had been given to Mr William to answer this day; and, as he does not appear, he is to be denounced rebel. Fol. 4, a.

The warding of Mr John Fairfoull

Mr Johnne Fairfoull, minister, having been confined in the burgh of

[1] The corresponding lists in the *Book of Sederunts* (1609–1616, Fol. 17, a) and *Decreta* (1609–10, page 323) call the "Collector" here by his other title of "President."

Acta Feb. 1610-Oct. 1612. Dundee for "praying for the banissit ministeris" (*ante*, p. 382), his Majesty has been pleased to change the place of his confinement by appointing him to repair to Anstruther be-west the Burn, with liberty to reside there, but not to attend ecclesiastical meetings without his Majesty's licence. Charge is given to him accordingly; and, to the effect that during his abode in the said parish he may not spend the time idly, licence is given to him to teach and preach in the said parish.—Connect with Royal Letter of 3rd March 1610.

Dundee to Anstruther Wester.

Fol. 4, b. The Lords, being informed that Sir Robert Scott [the upper part of the folio destroyed] . . . Robert, and Pet . . . . . Sym Scott, his brother's son, ... Eidshaw, Alexander . . . . landis, and Robert Jardane, ser . . . . Sir Robert, Johnne . . . . Arthur Scott, his brother, ... Williame Scott . . . . . Johnne Scott of Hundillishoip . . . brother, Thomas Scott, also . . . Walter Scott of Gouldielandis, Walter . . . Scottis, sons of Scott . . . . Williame Scott of Gilmanisclough, Williame Scott . . James Scott, his . . Robert Scott of Eidshaw, ... Willie and Alie Batyis, sons of the goodman of . . . . ., Johnne Scott in Ettrikhouse, and others the said Sir Robert's . . . . vants, bear deadly hatred and malice against Walter Scott of Tusshielaw and his sons, and intend to pursue them for their lives, they being willing to underlie all trial for clearing of any complaint made against them, ordain letters to be directed charging the persons abovewritten, under pain of rebellion, to appear before the Council on next, to underlie such order as shall be given to them for removing the feud standing among them.

Charge against certain Scotts in feud with Scott of Tushielaw.

Complaint by Thomas Hammiltoun for his Majesty's interest, as follows:—There has been this long time past "a very deidlie evill will" between Sir Andro Small of the Kirkland of Ketynis, Thomas, William, George, and Andro Smallis, his sons, James Small, his brother, James Haliburtoun, portioner of Petie, James Haliburtoun, his son, Thomas Small, in Petie, James and Andro Smallis, his sons, Andro Gray of Bulyeoun, George Haliburtoun at the Mill of Ketynis, Thomas Small of Fotherance, James Small in Fotherance, Thomas Small in Corstoun, Andro Ogilvy in Ketynis, David Tyrie in Coupair, Walter Ramsay there, on the one part, and Robert Pittillok at the mill of Kynnochrie, Williame Pittillo, his brother, James Pittillok, messenger in Coupair, George Haliburtoun of Buttergask, and James Haliburtoun, his son, on the other part,—whereby "divers persuitis and invasionis with bloodsched" have fallen out among them, and the market of Coupair, which is the "gritest marcatt" in all these bounds is "so impashed" by their violence that none of the parties can come to the said market unless "wele accompanyed."—Charge had been given to both parties to appear this day; and now, Advocate Hamiltoun appearing personally, and all the defenders being present except William, Andro, and George Smallis, sons of Andro Small of the Kirkland of Ketynis, the said Andro Small himself, George Haliburtoun in Ketynis, and George Haliburtoun of Buttergask,—the last three of whom are excused for not appearing "in respect of thair disease and seiknes,"—and the Lords having demanded

Reconciliation of a feud between the Smalls and the Pattullos.

Fol. 5, a.

of the parties present "how thay durst presome to beir feid and quarrell," and both parties having declared their willingness to submit to whatever order should be prescribed to them, the issue is that, in token of reconciliation, they "hairtelie imbraceit one another." The Lords, however, being anxious that this agreement shall remain inviolate, ordain the defenders, before leaving Edinburgh, to find caution in the sums following for keeping the peace:—Thomas Small, son of Andro Small of Ketynis, and Andro Gray of Bulyeoun, 1000 merks each; James Haliburtoun, portioner of Petie, James Haliburtoun, his son, and Robert Pitilloch at the mill of Kynnochrie, 500 merks each; James Small in Fotherance, Williame and James Pittillois, and James Haliburtoun in Buttergask, 300 merks; Thomas Small in Petie, James Small, his son, Andro Small, also his son, Andro Ogilvie in Ketynis, and David Tyrie in Coupair, £100 each; and every one of the other defenders 100 merks. William, George, and Andro Smallis, for not appearing, are to be denounced rebels. Acta Feb. 1610-Oct. 1612. Fol. 5, b.

Charge to Andrew Small to find caution for keeping the peace.

The above-mentioned Andro Small of the Kirkland of Ketynis having been excused from appearing this day before the Council to answer for his feud with Robert Pittillo and his colleagues, by reason of his sickness, testified by the moderator and brethren of the presbytery of Megle, and the Lords understanding that the said Andro is the special person who fosters this trouble, and causes William, George, and Andro Smallis, his three sons, to refuse their obedience to the charge directed against them, there is order to command him, under pain of rebellion, to find caution in 300 merks, within six days after being charged, that he and his said sons shall keep the peace with the said Robert Pittillo and his colleagues. Fol. 5, c.

Charge to certain Maxwells and others to answer for keeping the peace.

There having been for a long time a deadly feud between Sir James Maxwell of Calderwode, Alexander Lindsay of Dunrod, James Hammiltoun of Stanehouse, William Maxwell of Neulandis, Johnne Maxuell of Jaktoun, James Maxwell there, James Wauchop there, James Maxwell of Hillis of Over Kirktoun, and Adam Bruce of Skillitoun, their kin and friends, on the one part, and Patrik Maxwell of Newark, James Cunynghame of Glengarnok, James Shaw of Grenok, Johnne Craufurde of Kilburnye, Robert Lekkie of Kipdarroch, Robert and James Lekkyis, his sons, Murdo Lekkie of Croy, Walter Lekky of Balquhan, William Lekky, son of the late Robert Lekky at the kirk of Kippen, Walter Lekky of the Mye, James Lekkye at the Burn of Boquhen, Alexander Lekkye in Drumkippen, Adam Cunynghame, son of the Laird of Auchinharvie, Williame Portarfield of that Ilk, Alexander Portarfeild, his son, and Mr Alexander Maxwell, brother of the Laird of Newark, their kin and friends, on the other part, there is order to charge both parties, under pain of rebellion, to appear before the Council on , to underlie such order as shall be given them, and to come to Edinburgh without convocation of their friends and without any kind of armour except their swords. Fol. 5, d.

Commission of justiciary against Robert Wilson and Adam Sandy.

Robert Wilsoun, maltman in Wauchtoun, and Adam Sandie, miller at Athoilstane Furd mill, having been taken "reid hand" in the stealing of certain corns and malt furth of the barn and barnyard of Sir Patrik Commissions. Fol. 51, b.

Commissions. Hepburne of Wauchtoun, and the said thieves being now in his keeping, commission, passed under the signet and signed by the Chancellor, St Androis, Wigtoun, Lotheane, Montrois, and Linlithqu, is given to the said Sir Patrik to put them to the knowledge of an assize in a court of justiciary to be appointed by him, and to minister justice on them accordingly.

Decreta 1609-10. Page 322. Complaint by the King's Advocate, for his Majesty's interest, and by Sir George Elphinstoun of Blythiswood, as follows:—Sir Johnne Bruce of Airth, William and Patrik Bruces, his brothers, Johnne Gib, his servant, Johnne Mure, Alexander, Robert, and Mr James Menteithis, brothers of Sir William Menteith, younger of Kers, Sir James Bruce of Powfoullis, Alexander Bruce of Powknaif, his brother, Captain James Bruce, Alexander and George Bruceis, his sons, Patrik Hendirsoun, officer to the Laird of Bruce, Patrik Hegeine in Airth, Andro Hegeine there, Andro Cunynghame, servitor to Johnne Jervay, Alexander Mure in Boithkenner, and Alexander Simpsoun, son of Laird Simpsoun, with others to the number of 200, on horse and foot, all armed with hagbuts, pistolets, and other weapons, came on 10th October last, by way of hamesucken, to the complainer's house of Lethame, and entered within his inner close and yards,—ready for some "disperat purpois" against him. But, "God, who is the protectour of innocentis, haveing frustrat that thair wicked purpois," they passed to his barnyard, cast down two stacks, "ane of aitis heidit and crownit with peis and benies, and the uther of whyte heidit with peis," and carried away thereof at their pleasure.—Both parties appearing, except Johnne Gib (for whom the Laird of Airth becomes answerable), and Captain James Bruce, and George Bruce, his son (who are both said to be sick), and Andro Cunynghame, the Lords find the defenders guilty of convocation and casting of corns; for which the Laird of Airth, as the principal party, is to be committed to ward in the castle of Striveling. Defenders are assoilzied from the charge of wearing hagbuts and pistolets; and Cunnynghame is to be denounced for non-appearance.

Elphinstone of Blythswood against Bruce of Airth and others for convocation, violence, and carrying of fire-arms.

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Page 325. Complaint by the King's Advocate, and by Sir Johnne Bruce of Airth, that, in October last, Sir George Elphinstoun of Blythiswood, with Alexander, Lord Elphinstoun, Alexander, Master of Elphinstoun, Mr James, Mr Lues, and Johnne Elphinstonis, sons of Lord Elphinstoun, Mr Johnne Elphinstoun, brother of the said Sir George, and others to the number of 24 on horse and 12 footmen, all armed, came to the lands of Lethame, whereof the teindsheaves belong to the complainer, and there violently seized the teindsheaves of the said lands, which they carried to the said George's barnyard of Lethame, and "sua spoyled him of his kyndlie possessioun of the same teyndis"; besides which, they remained a long time on the said lands, resolved on some desperate deed against complainer if he had come to interrupt them.—Both parties appearing, the Lords assoilzie the defenders, pursuers having failed in proof.

Counter-charge by Bruce of Airth against Elphinstone of Blythswood.

Page 326. Action by Eduard Meklejohne, burgess of Edinburgh, against Sir Thomas Ottirburne, elder of Reidhall (Torrie), who remains unrelaxed from a horning of 9th January last for not paying him 1374 merks as principal

Decree against Sir Thomas Otterburne for debt.

and 100 merks for expenses.—Pursuer appearing, defender is ordered to be apprehended by the Captain of the Guard for not appearing. Decreta 1609–10. Page 327.

Decree against Samuel Blackburn for debt.

Action by Mr Johnne Archibald, son of the late James Archibald, burgess of Striveling, against Samuell Blaikburne, merchant in Edinburgh, as unrelaxed from a horning of the last day of February last for not paying pursuer £1300 as principal and £100 for expenses, and another £1300 as principal and £100 for expenses.—Pursuer appearing by Alexander Douglas, decree as above against the defender. Page 328.

Decree against the Earl of Crawford for debt.

Action by David Lindsay of Balgayis against David, Earl of Craufurd, as unrelaxed from hornings of 10th and 22nd February last for not paying pursuer £1782 as principal and £500 for expenses.—Pursuer appearing by Johnne Crawfurd, decree as above against the defender. Page 329.

Decree against Sir Harry and Sir John Lindsay for debt.

Action by James Strauchin, notary, burgess of Dundie, against Sir Harie Lindsay of Carrestoun, and Sir Johnne Lindsay, his son and apparent heir, as unrelaxed from hornings of 18th and 19th January last for not paying the complainer £500 as principal and £50 for expenses, and also for not causing Johnne Powrie in Over Kinfawnis and George Gairdner in Windiedge,—their cautioners in two bands, dated 11th July last, one for payment of £2000 to pursuer, and the other for payment of 55 bolls of victual,—to subscribe the said bands by 29th August last, or else pay pursuer £800 for expenses.—Pursuer appearing by Alexander Douglas, decree as above against the defenders. Page 330.

George Murray and others against John Gordon and his spouse, for suspension of horning.

Complaint by George Murray in Mellegin, Andro and Johnne, his sons, Johnne Murray in Auchmull, James Murray in Auchnabo, George Noreis in Newbigging, Alexander Fordyce in Knychtismylne, Andro Murray in Auchmull, and William Patirsone, there, that they are put to the horn by Johnne Gordoun, younger of Ahannachie, and Issobell Gordoun, his sister, for not answering before the Council for their alleged coming, with convocation of the lieges, to their dwelling-house in Ahannachie, breaking up the doors, and wounding Jonet Thomesoun, their servant, and Thomas Gordoun, son of the said Johnne. As they were never lawfully charged, and as they found caution, each in £100, to answer this day, the said horning should be suspended.—Pursuers appearing personally, except Andro Murray in Mellegin (for whom is produced a certificate from the minister and elders of the Kirk of Keyth, testifying that he is an old decrepit man, past the age of 83, and unable to travel), but the said Johnne Gordoun failing to appear, the Lords do suspend the horning. Page 331.

Decree against John Strauchan for debt.

Action by Alexander Strauchauchin, sometime in Arnebarrow, and now in Mure Ailhouse, against Johnne Strauchauchin of Dillaverd, as unrelaxed from a horning of 19th January last for not paying complainer 600 merks, with the annualrent of £48 owing since Martinmas 1602, and £100 for expenses and £5 for each charge.—Pursuer appearing by Archibald Douglas, defender is to be apprehended for not appearing. Page 332.

Decree against James Drummond for debt.

Action by Christeane Marschell, relict of Patrik Drummond, against James Drummond of Cridinis, as unrelaxed from a horning of 1st July 1609 for not paying her an annualrent of 20 bolls of victual and £20

Decreta 1609–10. Page 333.

of money due to her for the years 1607 and 1608.—Pursuer appearing by Archibald Douglas, decree as above against the defender.

James Barnet and John White against Robert Spalding for assault.

Complaint by James Barnet in Cathik, and Johnne Quhyte there, tenants of Patrik Campbell of Cathik, that Robert Spalding, younger in Cathik, "with grite rungis schamefully, cruellie, and unmercifullie invaidit and persewit thame of thair lyveis, brak boith thair heidis thairwith, and gaif thame mony bauch, bla, and bloody strykis upoun thair gairdeis, schoulderis, and divers utheris pairtis of thair bodyis."—Pursuers appearing, defender

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is to be denounced for not appearing.

John Graham against the Comptroller for wrongous imprisonment.

Complaint by Johne Grahame, burgess of Striveling, that, on "sinister informatioun" against him, James, Lord Hay of Bewlie, comptroller, had caused him to be apprehended, "tirvit him naiked," and confined him in "the irnehouse" of the tolbooth of Edinburgh, where he is still detained "in grite miserie."—Pursuer appearing by Duncane Bane, and the defender

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personally, the Lords ordain the magistrates of Edinburgh to put the complainer to liberty, the defender having been unable to show any reason to the contrary.

Edinburgh, 13th March.

Sederunt—Chancellor; President; Master of Elphinstoun; Privy Seal; Clerk of Register; Advocate; Kilsyth; Bruntiland; Sir Johnne Arnote; Mr George Young.

The weavers of Edinburgh against the weavers of the Canongate, Pleasance, and other suburbs of Edinburgh.

Complaint by the corporation of the weavers, free burgesses of Edinburgh, against the weavers dwelling in the Cannogait, Plesance, and other suburbs, as follows:—In the complainers' seals of causes, granted to their craft many hundred years ago by the provost, bailies, and council of Edinburgh, and ratified by the Archbishops of St Androis, "for the upholding of thair said calling, and that nane sould eit the breid furth of thair mouthis quha ar frie burgessis, subject to watching, warding, and beiring all portabill chairgeis, and lykwyse of that nomber quha ar mair nor able to serve all and sindrie," it is ordained that no persons residing in Edinburgh shall "send, cary or deliver thair yairne, claith, wobis, and uther stuff belonging to thair said occupatioun, to be wrocht, maid, or dressit be ony wobsteris unfremen dwelland within the Cannogait, Potterraw, outwith the West Port, or in the suburbis of the said burgh of Edinburgh, or within half a myle to the toun wallis," under pain of escheat of

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the said goods. Farther, by chapter 154 of this King's 12th Parliament, in consideration that "frie craftismen resident within frie burrowis ar gritlie dampnifeit be the exerceis of craftismen in the suburbis of frie burrowis," it had been ordained that there should in future be "na exerceis of craftis in the saidis suburbis adjacent to burrowis." Nevertheless the weavers dwelling in the Cannogait, the Plesance, and other suburbs, all unfree persons,—*e.g.* Johne Urie, Alexander Brysoun, Thomas Johnnstoun, Thomas Brysoun, Johne Gemmill, Johne Richesoun, James Schelie, Robert Jaksoun, David Haistie, Adam Asmer, George Steillie, Johne Leyis, Johne Watsoun, Mungo Andirsoun, indwellers in the Cannogait, and Robert Wilsoun, Adam Chalmeris, Johne Gibsoun, Johne Skowller, Gilbert Kirk-

land, George Slinser, Alexander Lindsay, Edward Allan, Patrik Craufurd, Johne Diksoun, Andro Mathiesoun,—bring yarn, webs and other stuffs dressed by them to indwellers in Edinburgh; and, although proceedings have been taken against the said persons, they will not be restrained, but abuse the complainers with letters of lawburrows under great pains. Unless, therefore, the Lords of Council protect the complainers in their rights, they will all be "depauperat and forcit to leive this burgh and shaik louse thair craft."—Patrik Gairdner, deacon of the weavers, and Hary and Ronnald Robiesonis, Patrik and James Donaldsonis, weavers, with others, appearing for the pursuers, and the said Johnne Urie, Alexander Brysoun, Johnne Gemmill, Johne Richiesoun, James Shillie, Robert Jaksoun, and Gilbert Kirkland, being present for the defenders, the Lords remit the matter to the Lords of Council and Session, as judges competent thereto. Decreta 1609–10. Page 337.

Counter-charge of the weavers of the Canongate against the weavers of Edinburgh.

Complaint by the "maisteris of the wobsteris craft within the Cannogait," by William Bellindane of Brughtoun, lord of the regality of Brughtoun and superior of the Cannogait, and Dame Elizabeth Ker, his tutrix testamentary, and by the bailies of the Cannogait, as follows:—The said weavers, being the King's lawful subjects and freemen of their craft, have been permitted in all time past memory of man to work for all choosing to employ them; and no question has been raised against them till lately, when the deacon and masters of the weavers in Edinburgh, by the connivance of the magistrates of the said burgh, have begun to molest them in working for the neighbours of their town. Thus, on 1st instant, James and Patrik Donaldsonis, weavers in Edinburgh, violently, at the market cross of Edinburgh, reft a web of 32 ells of linen from James Shillie, one of the complainers, while he was coming up the High Street with it to Gawin Johnestoun, burgess of Edinburgh, for whom he had worked it in the Cannogait. Farther, the defenders cause the officers of Edinburgh daily to trouble the complainers when they find them on the streets of Edinburgh; "quhairin, as thay do most havelie molest, trouble, and injure the saidis complenairis, aganis all forme, ordour, and course of justice, so thay intend to begin a verie grite prejudice aganis his Majesteis good subjectis in restreaning of thair libertie to imploy craftismen quhair thay may be best servit and best chaip; and, gif the onlie libertie and previlege of working to the nychtbouris of this burgh be cassin in thair handis, thay will bot serve at thair pleasour and upoun suche conditionis as they pleis prescryve and sett doun, to the grite hurte and inconvenient of the nychtbouris of the burgh of Edinburgh."—Johnne Bellindane in Leyth, bailie of the regality of Brughtoun, appearing for the said superior, and Johne Cunynghame, bailie of the Cannogait, appearing for the bailies of the Cannogait, and Johne Urie, Alexander Brysoun, Johne Gemmill, Johne Richiesoun, James Sheillie, Robert Jaksoun, and Gilbert Kirkland, all weavers in the Cannogait and Pleasance, being also present as pursuers, and Patrik Gairdner, Patrik and James Donnaldsonis, and Harie and Ronnald Robiesonis, appearing for the defenders, the Lords remit the matter for decision to the Council and Session. Page 338. Page 339.

Decreta 1609–10.

Action by Daniell Bruce, son of George Bruce in Airth, against Alexander Machane in Kerspatrik, as unrelaxed from a horning of 24th January last for not fulfilling to pursuer a contract made between Thomas Younger, portioner of Kincairne and Machan, on the one part, and the pursuer on the other, dated 1st May 1606, and also for not paying pursuer £100.—Pursuer appearing by James Guidlet, defender is to be apprehended for not appearing. Decree against Alexander Mauchan for not fulfilling a contract.

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The action by the King's Advocate, and by Angus Kenyeauchsoun in Millarie and Johnne Murray in Thurso, against Hucheoun M^cKy of Far, for proving that Johnne Sutherland, sometime in Millarie, Donald Sutherland, his brother, and certain others, are M^cKy's men by the Act of Parliament of 1594, is continued to 21st June next; and Mr Johne Sinclair, procurator for Angus, William Sinclair, procurator for Murray, and George Monro of Tarrell, procurator for M^cKy, are warned hereof. Angus Kenyeochson and John Murray against Mac-Kay of Farr.

Sederunts 1609–16. Fol. 17, a.

"A proclamation anent the continewatioun of the affairis of the Yllis to the 15th of May nixt to come." The Isles.

Acta Feb. 1610–Oct. 1612. Fol. 5, d.

Sederunt—Chancellor; Lynlithqu; Perth; Wigtoun; Lotheane; Bishop of Ros; Privy Seal; Comptroller; Collector;[1] Clerk of Register; Advocate; Master of Elphinstoun; Kilsyth; Bruntiland; Sir Johnne Arnot; Mr George Young. Edinburgh, 15th March.

The Lords excuse the absence from Council of the Earls of Glencairne, Montrois, and Wigtoun, and the Master of Elphinstoun, for two months. Earl of Glencairn and others.

The first, second, third, and fourth terms' payment of the taxation granted by the Parliament held at Perth in July 1606 having been appointed to be collected, on certain days now bypast, by Sir James Hay of Kingask, comptroller of the said taxation, and it being necessary that letters shall be directed against persons indebted for the said taxation, the Lords ordain officers of arms to charge all and sundry owing any part of the said taxation to pay each his own share to the said Comptroller within twenty days after the charge, under pain of rebellion. Charge for payment of taxes.

Fol. 6, a.

Decreta 1609–10. Page 341.

Action by Alexander Thomesoun, skinner, burgess of Edinburgh, against Johne Pook, skinner there, as under horning of 17th October last for not relieving complainer, at the hands of James Stevinsoun, baxter, Johnne Thomesoun, and Johne Cuthbertsone, burgesses of Edinburgh, of their obligation to pay 400 merks to the late Thomas Gaimothie in Edinburgh, and Malcolm Gaimothie, son of late Gilbert Gaimothie in Balmanochy.—Pursuer appearing, decree against defender for not compearing. Decree against John Pollock for not relieving his cautioner.

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Action by George Ker, portioner of Dudingstoun, against the following persons, as unrelaxed from hornings of 9th March 1609 and 3rd instant, viz.:—Abigall Carmichaell, and Thomas Hay of Skroggis, her spouse, for his interest, for not paying the complainer £24 as principal and £5 for expenses; Sir George Douglas of Langnudrie for not paying 140 merks as principal and £20 for expenses; and said Hay for not paying £28 as Decree against George Douglas and others for debt.

[1] The list in the *Decreta* styles him "President." See *ante*, p. 434, n.

principal and £5 for expenses.—Pursuer appearing, decree as above against the defenders. Decreta 1609–10. Page 343.

MacDowall of Freuch against Kennedy of Culzean for suspension of horning.

Complaint by Johnne M°Dowall of Frewch that he is put to the horn by James Kennedy of Culzeane for not answering touching his alleged reset of Thomas M°Alexander, who is denounced rebel for the murder of Sir Thomas Kennedy of Culzeane, father to the said James. As he was not lawfully charged, and as he found caution in 500 merks to answer this day, the said horning should be suspended. As for his escheat, it is gifted to Thomas Vaus, servitor to Sir Johnne Vaus of Longcastell.—Pursuer appearing, but not the defender, the Lords do suspend the horning. Page 344.

Decree against Andrew Wishart of Mureton for debt.

Action by David Smert, skipper, burgess of Dundie, against Andro Wishart of Muretoun, as unrelaxed from a horning of 5th April 1609 for not paying pursuer, as assignee to William Davidsoun, younger, Alexander Weddirburne, younger, and Robert Jak, son of Alexander Jak, merchants, burgesses of the said burgh, £1200 as principal and £100 for expenses, the assignation being dated 3rd April last.—Pursuer appearing by Archibald Douglas, defender is to be apprehended for not appearing. Page 345.

Decree against Houston of Leny for debt.

Action by William Ros, brother of the late Robert, Lord Ros, against Johne Howstoun of Leny, as unrelaxed from a horning of 10th instant for not paying him 700 merks as principal and £100 for expenses.—Pursuer appearing by Archibald Douglas, decree as above against the defender. Page 346.

Decree against David Forret of that Ilk and son for debt.

Action by Robert Tailyeour, merchant, citizen of St Androis, and Helene Arnote, his spouse, against David Forret of that Ilk, and James Forret, his son, apparent thereof, as unrelaxed from a horning of 28th November last for not paying them 2500 merks, and against the said James for not paying them 200 merks.—Pursuers appearing by Archibald Douglas, decree as above against the defenders. Page 347.

To denounce the Lairds of Glengarry and Harris for not entering certain of their men accused of reif.

Representation by Harie Stewart in Stradie that, as Neill M°Coneill Kear, Donald M°Lachlane, Patrik M°Connochie Vane, Ewne M°Ewne M°Gillichallum, Gillespie M°Conochie M°Coneill Bane, Donald M°Coneill Bane, Angus M°Conil M°Donald Bane, M°Synnik Gillichallum, all of them Donald M°Angus of Glengarry's men, remain unrelaxed from a horning of 21st February for not finding caution to answer before the justice for the reiving of twenty kye and eight oxen from the complainer's lands, and as Neill M°Coneill Kear is now man to Rory M°Clewde of Harriche, the Lairds of Glengarry and Harriche are bound by law to enter their said men.—Charge had been given to the said lairds to that effect; and now, pursuer appearing, but neither of the said lairds, the order is to denounce the said Donald M°Angus of Glengarry and Rory M°Cloyid of Harriche. Page 348.

Decree against Crichton of Cluny for not relieving his cautioners.

Action by Harie Creichtoun of Over Banchell, and Abrahame Creichtoun, portioner of Banchrie, against Sir Robert Creichtoun of Cluny, as unrelaxed from a horning of 10th instant for not relieving them, at the hands of Sir William Grahame of Braco, and dame Margaret Keith, his spouse, of the payment of 3200 merks as principal and 600 merks for expenses.—

Decreta 1609-10. Page 349.

Abrahame Creichtoun appearing for self and Harie Creichtoun, defender is to be apprehended for not appearing.

Decree against the Earl of Atholl for not restoring certain goods to the Earl of Moray.

Action by James, Earl of Murray, against James, Earl of Athoill, as unrelaxed from a horning of 18th July 1609 for not restoring or compensating for certain heirship goods, wrongously taken by the late James, Earl of Athoill, furth of the castle of Darnoway, specified in a decree of Council and Session of 13th February 1608.—Pursuer appearing

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by Alexander Done, decree as above against the defender.

Andrew Robertson against Patrick Robertson and John Kilgour for assault.

Complaint by Andro Robertsoun in Easter Nether Farnoch, that, in September last, Patrik Robertsoun in Mylnetoun of Cluny and Johnne Kilgour in Cluny, forgathering with the complainer between the Mylnetoun of Cluny and the kirk thereof, "pat violent hand in him, rashit him to the earth, and, as he wes lyand upoun the ground, shamefullie, cruellie, and unmercifullie, with a grite lang gairskene or hieland braig knyff of half ane elne of lenth, gaif him ane deidlie wound in betuix his thie and

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body and out at his fundament."—Pursuer and Kilgoure appearing, but not Robertsoun, the Lords assoilzie Kilgoure, but find the libel proved against Robertson, and charge him to enter in ward in the tolbooth of Edinburgh.

Decree against the Commendator of Melrose for lying at the horn for debt.

Action by Johne Stevinsoun, merchant, burgess of Edinburgh, against James, Commendator of Melros, as unrelaxed from hornings of 20th and 23rd December 1608 for not paying pursuer, as assignee to Alexander Ker, tailor, burgess of the Cannogait, £262, 13s. 4d. and £40 for expenses.

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—Pursuer appearing , defender is to be apprehended for non-appearance.

Robert Dempster and Thomas Coker against John Gordon, for suspension of horning.

Complaint by Robert Dempster in Cusny, and Thomas Coker, miller at Knokleith, that they are denounced by Johnne Gordoun, younger of Avachie, and Issobell Gordoun, his sister, for not answering touching their alleged wounding, in the complainer's house of Avachie, of Jonet Thomesoun, their servant, and Thomas Gordoun, son of the said Johnne. As they had not been lawfully charged, and as they found caution to

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answer this day, Dempster in £500 and Coker in £100, and to pay for their escheats to the Treasurer, the former forty merks and the latter £10, the said horning should be suspended.—Dempster appearing, and producing a certificate from the minister and elders of the parish kirk of Auchterles, testifying that Coker is an aged man of sixty-three years, and so "havelie diseasit with the gravell" that he cannot travel, but the

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defender failing to appear, the Lords do suspend the horning.

Commissions. Fol. 53, a.

Commission to apprehend Ewer Mac-Donald Mac-Allester and certain other rebels.

As Ewir M^{c}Donald M^{c}Allaster in Larg, Donald M^{c}Eane M^{c}Findlay in Auchindowiche, Johnne M^{c}Donald M^{c}Eane M^{c}Findlay, his son, there, and Allane M^{c}William M^{c}Thomas in Carnache, remain unrelaxed from a horning of 20th January last at the instance of Margaret Murray, relict, and the bairns and other kin, of Alexander Murray in Auchindowiche, for not finding caution to answer before the justice for the cruel slaughter of the said Alexander, commission, passed under the signet, and signed by the Chancellor, St Androis, John Prestoun, A. Elphingstoun, R. Cokburne, and the Laird of Kilsayth, is granted to Johnne, Earl of Sutherland,

Johnne, Earl of Tullibairdin, Hutcheoun M^cKay of Far, and William Sutherland of Duffus, to apprehend the said rebels and enter them before the Council. Commissions.

The Isles. "A proclamatioun for continuatioun of the affairis of the Yllis to the first Thursday after Midsummer." Sederunts 1609-16. Fol. 17, a.

Edinburgh, 29th March. *Sederunt*—Chancellor; Bishop of Glasgow; Glencairne; Perth; Lotheane; Bishop of Ros; Privy Seal; Comptroller; Collector; Clerk of Register; Advocate; Master of Elphinstoun; Brintyland; Sir Johnne Arnott; Mr George Young. Acta Feb. 1610–Oct. 1612. Fol. 6, a.

Earl of Abercorn admitted of the Council. James, Earl of Abircorne, acknowledging his Majesty's favour in preferring him to be one of the Privy Council (*ante*, p. 414, footnote), "upoun his kneis, his hand lyand upoun the holy evangell," gives his solemn oath of allegiance, and also the oath of a Privy Councillor.

Charge to the Earl of Orkney for surrender of his houses. With the view of advancing the King's service in Orknay and Zetland, and for the better obedience to the justices who are to be sent to the said bounds, the Lords ordain charge to be given to Patrik, Earl of Orknay, and all other keepers of the castle of Kirkwall, the place of Yairdis, the house of Wallis, the castle of Skelloway in Yetland, and the place of Birsay, to deliver the same to the officers executing the charge, within six days after being charged, under pain of treason.

Leave of absence to Lord Blantyre. The Lords excuse the absence of the Lord of Blantyre from Council for one month.

Act for enlarging the ward of the Marquis of Huntly in Stirling Castle. According to the King's warrant in writing, the Lords liberate George, Marquis of Huntlie, furth of his strict ward in the castle of Striviling, and give him liberty of range within six miles thereof, on his finding caution, (1) not to exceed the said bounds, (2) to repair once a week at least to sermon and not refuse conference with any of the learned clergy at fit times, (3) to entertain in household such minister as shall be appointed by the advice of the two Archbishops, (4) to have his children under the charge of tutors and masters "unsuspect of religion," (5) to retain in household "no excommunicat nor other suspectit of religion," and (6) not to reset or intercommune with any jesuit, seminary priest, or trafficking papist, —all under the pain of 3000 merks *toties quoties*.—Follows his Majesty's missive warrant to the Council authorising this Act. It states that, his Majesty "having laitlie send doun to the Marques of Huntley a breif sumarie of the Confessioun of Faith aggreable to the religioun presentlie professit," the same had been returned to his Majesty subscribed by the hand of the Marquis; "in whiche regaird we holde that in reasoun he sould ressave some mark and taikin of our favour for this his yeilding, that thereby bothe he may be moved to a gritair conformitie in hoip of our forder grace, and utheris, upoun esperance of the lyke favour, may be induceit to gif satisfactioun unto the Churche thair." Fol. 6, b.

Commission to apprehend Johnne M^cAllane M^cRonnald having this long time been a murderer, common thief, and masterful oppressor, commission, passed under the Commissions. Fol. 54, a.

Commissions. signet, and subscribed by the Chancellor, Glencairne, Perth, Abercorne, Lothyane, R. Cockburne, and John Prestoun, is given to Symon, Lord Fraser of Lovatt, Kennethe M^cKenzie of Kintaill, Donald Gorme of Slait, and Donald M^cAllane V^cEane of Ylantyrim, captain of the Clan Ronnald, to convocate the lieges in arms for apprehension of the said Johnne. John MacAllan MacRonald, a malefactor.

As, though Robert Donald M^cAllane V^cEane of Ylantyrim, captain of the Clan Ronnald, has always behaved himself as a peaceable and dutiful subject, and has done all he could to reduce his friends and countrymen to the obedience of the law, yet many of these, "preferring bestlie barbaritie and wickednes to godlines, obedience, and honestie," not only continue in "thair accustomed trade of murthour, thift, sorneing, and oppressioun," but "ar bandit togidder in a detestable societie to persequute and persew the said Donald, thair cheif chiftane and maister," commission is given to the said Donald to convocate the lieges for apprehending persons of his clan and others within his grounds suspected of the said crimes. The commission, passed under the signet, is signed by the Chancellor, Glencairne, Perth, Abercorne, Lothiane, Sir R. Cockburne, and John Prestoun. Commission of justiciary to the Captain of Clan Ranald against disobedient persons within his bounds.
Fol. 55, a.

Fol. 55, b. As Mr Johnne Kennedy of Cairmuk, and Alexander Kennedy, his brother, remain unrelaxed from a horning of 21st instant, executed against them by Robert Cruikschank in Northsait of Oikhorne, as father, Elspeth Davidsoun, his spouse, as mother, Patrik Cruikschank, as brother, and Jeane and Elspeth Cruikschankis, as sisters, of the late Alexander Cruikschank, for their not finding caution to answer before the justice for the cruel slaughter of the said Alexander on 17th February last, commission, passed under the signet, and signed by the Chancellor, John Prestoun, Sir J. Arnot, and Mr G. Young, is given to Johnne Seytoun of Meldrum, James Gordoun of Lesmoir, Alexander Annand of Auchtirallen, Waltir Ogilvy of Dunlugus, and Alexander Fraser of Durris, to convocate the lieges and apprehend the said rebels. Commission to apprehend John and Alexander Kennedy, at the horn for slaughter.

Fol. 56, a. The Lords, understanding that Sir Duncane Campbell of Glenurquhy "hes bene this winter bigane havelie diseasit with infirmitie and seikness," and that "for the better recoverie of his helth he is desyrous to repair to the Baynes in England," grant him licence under his Majesty's signet to repair to England and to remain there the space of one year. Licence to Campbell of Glenorchy to repair to England for his health.

Sederunts 1609-16. Fol. 17. b. Warrant to the Lady Amisfeild, relieving her of her ward (*ante*, p. 427). Lady Amisfield.

Mr Thomas Hendersoun, Mr Adam King, Mr James Sandielandis, Mr Williame Seytoun, and Mr Patrik Sandis, or any two of them, are appointed "to visie and examine the grammer composed be Mr Alexander Home and to reporte thair opinioun thairanent to the Counsell." Mr Alexander Home's Grammar.

Decreta 1609-10. Page 354. Complaint by Margaret Newlandis, relict of Thomas Johnnstoun of Corsburne, as follows:—Sir James Douglas of Drumlangrig, having resolved to possess himself of the kindly roume of Corsburne, held of him by complainer and her late husband, had, with his servitors, all armed, Margaret Newlands against Douglas of Drumlanrig for

execution of her late husband. Decree of absolvitor.

come at night on day of to their house in Corsburne; where "he, being thair maister, was lovingly ressavit," and remained almost till break of day; and "than craftelie and culloredlie, under the pretext of frendschip, he willit hir said umquhill housband to go and accompany him to the place of Drumlangrig." Her said husband, "haveing put on his butis," did so accompany Sir James, but on his arrival at Drumlangrig was cast into strait prison. There Sir James "causit certane personis deale with him anent quhat sowmes of money he wald gif to the said Sir James for a new rentell and farder richt of the said rowme; and, it being aggreit that he pay unto him the sowme of 500 merkis for the same, and thankfull payment thairof, at the leist of 400 merkis of the same, being maid to the said Sir James, her said umquhill husband hoiped at this aggrement and payment of this money that he sould not onlie bene fred furth of the said waird, but also he and his said spous sould have bene sufferit to have brookit the said rowme." But "undir cullour of law and schaw of justice," Sir James, by a led assize of his own servants and tenants, "causit unjustlie convict her said umquhill housband of certane capitall crymes quhairof he wes most innocent, and thairwith execut him to the deid," and thereafter, "craftelie and subtilie concluding to eject hir and hir fatherles bairnis out of the said rowme, did urge hir ather to pay a yeirlie dewtie abone the double of the availl of the said rowme or than to leive the same," with the result that he "hes violentlie ejectit thame thairfra."—Both parties appearing, the plea of defender is that, Johnistoun having been a fugitive for theft and reset of theft, he, as lord of the regality of Drumlangrig, had apprehended him, imprisoned him in Drumlangrig as libelled, and tried him by an assize, by whose verdict he was "most worthelie execute and hangit to the deid." For verification, defender produces an act of the court of the regality of Drumlangrig, under the subscription of Robert Phillop, notary, clerk of the said court, bearing that on 17th May 1603 Johnnstoun was declared fugitive for not answering before the said court for theft and reset of theft, and another act of the said court, bearing that on 24th December 1606 Johnnistoun was entered and accused before the said court of "commoun theft, infang, and outfang," and that, having been tried by the following assizers,—viz., Roger Kirkpatrik of Glenee, Olipher Dynnwiddie there, Roger Padyeane of Newtoun, Johnne Kirkpatrik of Gilkersland, Thomas Greirsoun of Barjarge, James Greirsoun, his brother, Gilbert Greirsoun of Penmurtie, James Porter in Keir, James Hunter of Ballagan, Malcome Dalrumple of Waltirsyde, Johnne Stewart, bailie of Dalswyntoun, Gilbert Greirsoun of Booquhen, Cuthbert Greirsoun in Capenoch, Johnne Hunter of Baitforde, and Gilbert Greirsoun in Auchingiblett,—he was found guilty, and therefore adjudged to be taken to the place of execution beside the barns of Drumlangrig.—The Lords therefore assoilzie Sir James.

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Decree against Kennedy of

Action by David Foullertoun of Knockinlaw against Hew Kennedy of Bennane, as unrelaxed from a horning of 6th February last for not

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relieving pursuer, at the hands of the late Johnne Diksoun, servitor to Mr Alexander King, advocate, of the payment of 500 merks as principal and £40 for expenses, with £40 paid yearly by the pursuer to Diksoun as interest for three years.—Pursuer appearing by Archibald Douglas, defender is to be apprehended for not appearing. Bennan for not relieving his cautioner.

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Action by Patrik Forsyth, "meilmaker" in Edinburgh, against Alexander Listoun, baxter, burgess there, as under a horning of 7th December last for not paying 200 merks as principal and £20 for expenses.—Pursuer appearing by Archibald Douglas, decree as above against defender. Decree against Alexander Liston for debt.

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Action by Gilbert Robertsoun of Newbigging against Alexander Blair of Balgray, as unrelaxed from a horning of 18th January last for not paying £160 as principal and £50 for expenses.—Pursuer appearing personally, decree as above against the defender. Decree against Gray of Balgray for debt.

Action by Agnes Logane, relict of Johnne Quhippo of Innerteill, and Thomas Quhippo, their second son, against Andro Wardlaw, elder of Torrie, as under a horning of 5th instant for not paying 10,000 merks as principal, with interest since 16th May 1606 and 1000 merks for expenses.—Pursuer appearing personally, decree as above against the defender. Decree against Wardlaw of Torrie for debt.

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Action by Euphame Clerk, brother-daughter and heiress of the late William Clerk, portioner of Cowstoun, and by Andro Downy, her spouse, against William Wallace in Saltprestoun, as unrelaxed from a horning of 24th February last for not paying them an annualrent of £12 since 26th July 1586.—Andro Downy appearing, decree as above against the defender. Decree against William Wallace for debt.

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Action by Adam Scot, brother of Philp Scot of Dryhoip, against Mathew Finlasoun of Killeith, as under a horning of 28th February last for not paying 300 merks as principal and £40 for expenses.—Pursuer appearing personally, decree as above against the defender. Decree against Finlayson of Killeith for debt.

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Action by Adam Rae, merchant, burgess of Edinburgh, against Sir Patrik Chirnesyde of East Nisbitt, as under a horning of 14th February last for not paying £1058, 19s. 4d. and £100 for expenses.—Pursuer appearing by David Crambie, decree as above against the defender. Decree against Sir Patrick Chirnside for debt.

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Action by William Blair, merchant in Perth, against the following persons, as unrelaxed from the following hornings:—William Gray of Bandirrane, denounced 30th December last for not infefting the complainer, as assignee to his brother, Alexander Gray of Balgray, in the lands of North Bandirrane, conform to contract between George Seytoun of Parbroith and the said William Gray, on the one part, and the said Alexander Blair on the other, of date 13th October 1606; Alexander Stewart of Bonesked and James Watsoun of Craneslie, denounced on 13th February, as sureties for the said William Gray, for not entering pursuer in the peaceable possession of the said lands.—Pursuer appearing by Alexander Blair, decree as above against the defenders. Decree against William Gray and others for not fulfilling a contract.

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Action by Leonard Stevinsoun in Innerkething against Sir Robert

Decree against Crichton of Cluny and Heron of Lethendy for debt.

Creichtoun of Cluny, Sir David Hering of Lethendie, and James Skrymgeour of Fardill, as unrelaxed from a horning of 15th instant for not paying pursuer £100 as principal and £20 for expenses.—Pursuer appearing by Patrik Herinng, decree as above against Sir Robert and Sir David, the other defender not having been summoned. Decreta 1609–10. Page 365.

Decree against James Douglas for not fulfilling a contract.

Action by Joseph Douglas of Pumpherstoun against James Douglas, younger of Clappertoun, as unrelaxed from a horning of 7th instant (1) for not infefting pursuer in the lands specified in a contract of 2nd May 1606 between pursuer on the one part and the defender and James Douglas, elder of Clapperton, on the other, (2) for not paying him the yearly silver duty of the tack mentioned in the said contract, (3) for not paying him £100 as damages.—Pursuer appearing by Alexander Douglas, decree as above against the defender. Page 366.

Decree against Lindsay of Vane and Summer of Balyeordy for debt.

Action by Hercules Crawmond, merchant in Edinburgh, against David Lindsay, fiar of Vane, and George Symmer, elder of Balyeordie, as unrelaxed from a horning of 24th February last for not paying pursuer 400 merks as principal and 100 merks for expenses.—Pursuer appearing by Archibald Douglas, decree as above against the defenders. Page 367.

Thomas Home and others against George Home and others for molestation.

Complaint by Thomas Home in the Nuk, tenant to George, Earl of Dumbar, treasurer, of his lands of Duns, and by Johnne Home and Petir Bane, servants to the said Thomas, as follows:—On 7th instant, while the said servants were ploughing their said master's lands called Idington's lands in Duns, belonging to the said Earl, George Home, bailie of Duns, with Alexander Runsyman, his servant, John Punsyman in Duns, and David Coustane in Carkilaw, and others, all armed, pursued them for their lives, chased the horse and cattle off the ground, and cut the "thettis" of the plough.—Johnne Home appearing, and George Home and David Coustane being also present, the Lords ordain Home to be committed to the tolbooth of Edinburgh on his own confession that he stopped the plough, and ordain the absent defenders to be denounced rebels. Page 368. Page 369.

Case of Captain Patrick Heron and Mr Robert Oliphant.

Complaint by Captain Patrik Hering, as follows:—On 16th May last he was committed to ward in the tolbooth of Edinburgh and ordained to be kept there till he made restitution to Mr Robert Oliphant, brother of George Oliphant of Bachiltoun, of certain goods alleged to have been taken by him from said Mr Robert, as enumerated in an inventory by the Mayor of Canterbury (*ante*, p. 283). Now, the said Mr Robert being abroad, complainer cannot make restitution to him; but he is ready to consign in the hands of James Prymrois, clerk of Council, the "particulair spaceis of money" so inventoried, or else the value thereof; and, for the other articles, no valuation having been made of them, he is willing to find caution for their delivery or their prices when they shall have been valued in presence of the Council,—with the exception of the "maille trunke and tua budgetis,' which, having been presented by the complainer before the Council in England, had been delivered to the said Mr Robert, as is testified

Decreta 1609-10. Page 370.

by the Earls of Dumbar and Mar.—Charge had been given to the said George Oliphant to answer, in respect that his said brother is furth of this kingdom; and now, both parties appearing, the Lords ordain complainer to consign in the hands of the Clerk of Council the said pieces of money, to be delivered to the said George in name of his brother, and decern him to find caution to deliver to Mr Robert the other articles: viz. the Turkish piece of gold, two gold rings, one loose stone belonging to one of them, seven pieces of coin of silver, two purses, a sword, "ane maill and tua budgetis," or else the prices thereof, due valuation of the same being made in presence of the Council. When defender has so consigned the said sums of money and found said caution, the provost and bailies of Edinburgh are to put him to liberty.

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John Macmath against the magistrates of Edinburgh.

Complaint by Johnne M^cMath in Corsbank, as follows:—Complainer having obtained letters of caption directed to the sheriff of Drumfreis to apprehend William Creichtoun, tutor of Carco, for mutilating the complainer of his left hand, Robert, Lord Sanquhair, sheriff principal of the said shire, took Creichtoun and entered him in the tolbooth of Edinburgh. But, complainer having been in Edinburgh on instant, the provost and bailies had caused him to be apprehended and committed to ward in the said tolbooth, and had detained him till he gave his band to defray the expenses of Creichtoun during his abode in ward. Now, as there is no law or custom of this kingdom that can oblige an innocent man to pay the expenses of an offender, the said magistrates ought not only to be discharged of all farther troubling of complainer, but called to account for warding him.—Charge had been given to James Dalzell, one of the bailies of Edinburgh, to answer; and now, both parties appearing, the Lords declare the said band to have no effect against complainer.

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The Comptroller against John Wood and others for attempted illegal exportation of linen yarn.

Complaint by Sir James Hay of Kingask, comptroller, and great customer and searcher of this kingdom, as follows:—Thomas Barclay, complainer's depute, having, on 23rd instant, seized a pack of yarn belonging to Johnne Porterfeild, merchant in Edinburgh, and "ane Inglis trie full of yairne" belonging to Johne Wood in Prestoun Panes, and a pack and "ane litle cros" full of yarn belonging to David Jonkene in Edinburgh, and a pack of yarn belonging to William Bell in , all shipped in a ship of Prestoun, called the , whereof the said Johnne Wood is master, bound to Londone, and the said yarn being in keeping of the said depute, it and the ship ought, by the laws against exportation of yarn, to be confiscated.—Both parties appearing, the Lords decern the said yarn to be confiscated, one half for his Majesty's use, and the other half for that of the comptroller and depute. They also decern the said ship to be escheated to the King's use.

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The tacksmen of the customs against Andrew Leitch and others for unlading merchandise at an unfree port

Complaint by the tacksmen and fermorers of his Majesty's customs, as follows:—By Act of Council of 16th February 1600 all skippers, masters, owners, clerks, and mariners of ships are forbidden to unlade any part of their goods till they arrive at the free port to which they are freighted, under pain of £100 for the skipper, £100 for the master and owner, and

in order to escape payment of customs.

£100 for the clerk and mariners. Yet a ship of Monrois, called 'The Grace,' whereof James Moses is master and owner, Andro Leich and James Jaffray owners, and Alexander Wat clerk, having sailed from the port of Deip in France in February last, freighted for the port of Monrois, the said persons, "preferring thair filthy lucre and gayne to the obedience of the law," brought the ship, by paction with some of the merchants, to the South Ferry in the Firth on 17th February, and their "quietlie, craftelie, and undewtifullie" unloaded certain coffers full of costly wares, and so "staw frome his Majestie" the due custom of the said goods.—Charge had been given to the said skippers, and also to James Ogilvy, David Moresoun, and Alexander Reid, mariners, to answer to this complaint; and now, Mr Thomas Barclay and Mr Frances Boithwell, two of the said fermorers, appearing for the pursuers, and Moyses, Leiche, Jaffray, and Watt being also present, but none of the other defenders, and Moyses having deponed that at the time libelled William Cochrane, merchant, burgess of Edinburgh, prevailed on him to bring in the ship five coffers and "ane ball" to Scotland, and to loose the same above Leith, and that Robert Achesoun, merchant in Edinburgh, shipped the said goods in his ship and paid him the freight thereof, and that he, according to the said condition, unloaded the same at the South Queensferry, the Lords find that the defenders have contravened the said Act, and therefore ordain them to pay to the tacksmen the pains abovewritten. Decreta 1609-10. Page 375. Page 376.

Edinburgh, 12th April 1610.

Sederunt—Chancellor; Lynlythqu; Perth; Lotheane; Blantyre; Privy Seal; Advocate; Kilsyith; Brintyland; Sir Johnne Arnott; Mr George Young. Acta Feb. 1610-Oct. 1612. Fol. 7, a.

Act to prevent convocation with litigants to the bar of the Privy Council and to Courts of Justice.

As, although divers Acts have been passed against the "detestable custome," so frequent hitherto in this kingdom, of "convocationis and bakking of pairtyis to the bar in actionis," a great many persons, "preferring thair awne unreulie passionis and vane ostentatioun to the obedyence of the law," still so convocate unnecessarily to the Privy Council and courts of justice when causes are to be heard, and as this is "a matter very offensive to his Majestie and carrying with it a reproitche to the natioun in the opinioun of foreynaris," the Lords ordain proclamation to be made that hereafter, if the pursuer and defender in a cause, or either, shall appear before them or before the justice otherwise than with their ordinary train, then the diet shall be continued till their attendants shall weary, and in the meantime the offending party or parties shall be committed to ward: no such frivolous excuse to be admitted as that the friends of the party or parties came unrequired by them or against their will.—Connect with a portion of Royal Letter of date 28th March 1610.

Sentence on Andrew Henderson for demembration declared to be banishment for life.

Andro Hendersoun having been long ago convicted by an assize of "amputatioun of foure fingeris of the left hand" of Montgomerie, merchant in Edinburgh, and his sentence having been deferred till the King's will should be known, "seing the pane of deathe in ony suche caise Fol. 7, b.

Acta Feb. 1610–Oct. 1612.

hes not bene accustomat to be execute in this kingdome," the Lords, according to his Majesty's pleasure now ascertained (see Royal Letter of 26th March 1610), ordain the justice and justice-clerk to sentence Hendersoun to be banished for life. After sentence he is to be taken back to his ward in the tolbooth of Edinburgh, and to be detained there till he embark.[1]

Charge to Haig of Bemerside and Haly-burton of Merton for keeping the peace.

There being some "persute and braullis" between Haig of Bemersyde and Haliburtoun of Mertoun in consequence of "difference and questioun of marcheis," there is order to charge both parties, under pain of rebellion, to appear before the Council on 26th instant, in order to their reconciliation.—Connect with Royal Letter of date 20th March 1610.

Commissions. Fol. 56, b.

Commission to apprehend John Stanners, mason, at the horn for slaughter.

As Johne Stanneris, mason, remains unrelaxed from a horning used against him by Alexander Menzeis of that Ilk, as master, and by the kin and friends, of the late Robert Couper, mason, as well as by Sir Thomas Hammiltoun of Bynnie for his Majesty's interest, for not finding caution to answer before the justice for the cruel slaughter "with ane knyff" of the said Robert, "thay being in ane hoistler house for the tyme," commission, signed by the Chancellor, Perth, Linlythqu, Lotheane, Blantyre, Kilsyth, and Sir R. Cokburne, is given to the sheriffs principal of Perth and Forfair to apprehend the said rebel, and put him to the knowledge of assize and minister justice accordingly.

Sederunts 1609-16. Fol. 18, a.

Mr John Campbell, minister.

The Lords, with consent of James Fogo, cautioner for Mr Johnne Campbell, minister at Lus, continue the entry of the said Mr Johnne, appointed for this day, to the last Council day of May next.

Anent Harry Freeland, accused of treasonable speeches.

Walter, Lord of Blantyr, promises to enter Williame Wallace, his servant, before the Council this day 15 days, to declare what he knows of the treasonable speeches uttered by Harry Freeland and avowed on him by Alexander Blair. Letters to be sent to the Lord of Scone and the Justice Clerk to be here this day for the examination of Freeland and Blair.

Order for delivery of Earl of Orkney's houses.

Sir Johnne Arnott, treasurer depute, is directed to send a herald to Orkuay to charge the Earl of Orknay's houses to be rendered. He is to remain in the castle of Kirkwall, and to keep the keys of the Earl's other houses, till the King's pleasure be known.

Decreta 1609–10. Page 377.

Robert Mudie against David King for oppression.

Complaint by Robert Mudy, and Frances Mudy of Braiknes, his brother and master:—On 25th July last, David King, bailie to Patrik, Earl of Orknay, of Hoy and Wallis, with six others, all armed, came to the said Frances's lands of Oysmoundwall, and with a great baton assaulted the said Robert and left him for dead. Afterwards they cut with drawn swords and knives the tails of thirteen of the said Frances's horses and mares, drove them among his corns, and with great dogs worried twenty-four sheep belonging to the complainers. Farther, the defender daily compels the said Frances's

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tenants to serve him by sea and land at his pleasure.—Pursuers appearing personally, defender is to be denounced for not appearing.

[1] For more about this case see *Pitcairn's Criminal Trials*, iii. 58–60.

Decree against Sir David Heron and James Scrymgeor for debt.

Action by William Rollok of Balbegie, against Sir David Hering of Glasclune, and James Skrymgeour of Fardill, as unrelaxed from a horning of 12th May last for not paying pursuer 586 merks as principal and £100 for expenses.—Pursuer appearing by Archibald Douglas, defenders are to be apprehended for not appearing. Decreta 1609–10.

James and Harry Stewart against David King for lawlessness in Orkney.

Complaint by James Stewart of Gramsay, and Harie Stewart, his son, as follows:—Almost every day for the last ten years David King, servitor to Patrik, Earl of Orknay, has perforce compelled the complainers' tenants and servants to serve him with their horses and boats, and, if they refused, has "batonit them with grite batones." In 1602, complainer having caused his servants to transport in his own boat Robert Menteith, his brother-in-law, from Orknay to Caitnes, King, assisted by others, took them captive on their return, "kaist thame bound in a boit, caryed thame to Kirkwall, layed thame in the stokis and irnis, and keipit thame thairintill as prisoneris untill the blood burst furth at thair schynnis." Again, in June last, King, in disregard of the law, sent to the said Harie Stewart "ane infamous libell and cartell appealing him to the singuler combat"; which the said Harie declined to accept, not "for ony feir of him," but for the regard he has to the laws.—The elder complainer appearing, the defender is to be denounced for not appearing. Page 379. Page 380.

Decree against Thomas Allan and others for debt.

Action by Johnne Mylne, bower, burgess of Montrois, against the following persons, as unrelaxed from a horning of 8th instant:—Thomas Allane in Balneillie, and Patrik Erskin, his son-in-law, for not paying pursuer, as assignee to Margaret Melvill, spouse of the late Niniane Davidsone, burgess there, £86 as principal and £20 for expenses, and also £32 as the price of six firlots of bear and ten firlots of wheat; and George Hardie in Balneillie for not paying pursuer 100 merks as principal, £10 for the registration of his obligation, and £5 for the charge.—Pursuer appearing by William Carnegy, defenders are to be apprehended for not appearing. Page 381.

William Young against David Hodge, in the matter of letters of lawburrows.

Complaint by William Young, "meilmaker" in Edinburgh, that David Hodge, maltman, burgess there, alleging the complainer to have conceived hatred against him, has charged him to find letters of lawburrows in 1000 merks for his indemnity, under pain of rebellion. Complainer has done nothing to justify the defender in this; defender's real object is to cause complainer to renounce a tack of "ane laich dwelling house" possessed by him these divers years past; and, besides, the penalty is far above the sum prescribed by Parliament for a person of complainer's rank, he being a poor "meilmaker of his craft" and not worth in all 300 merks. Therefore, and because he has found caution as charged, the said horning should be suspended.—Both parties appearing, the Lords do suspend the letters of horning, and modify the penalty, and also the sum wherein the defender has found caution to the pursuer, to 300 merks. Page 382. Page 383.

Decree against Bartholomew Home for debt.

Action by Robert Cairnecors, merchant in Edinburgh, against Bartilmo Home, portioner of Symprene, as unrelaxed from a horning of 7th March last for not paying pursuer, as assignee to James Hoppringle of Wodhous,

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an annualrent of 25 merks for all years since the date of his obligation to Hoppringle, viz. 2nd June 1593, with £10 for the expenses of plea, and 40s. paid to the Lord's collectors.—Pursuer appearing, defender is to be apprehended for not appearing.

Adam Lawty, writer to the signet, against Edward Johnstone for trespass and oppression.

Complaint by the King's Advocate for his Majesty's interest, and by Adam Lawty, portioner of Sauchtounhall, writer to the signet, as follows:—Edward Johnnestoun, younger, merchant, burgess of Edinburgh, accompanied with two gentlemen, armed with certain weapons, came on 6th

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instant to the said lands, lying within a mile of Edinburgh,—viz. to the part thereof called the Breifflat, where 20 days before the complainer had sown three rigs with peas, and to another "shoit" of the said lands called Qhynrig, where 20 days before he had sown a rig with oats,—and entered horse and harrows on the said lands, and destroyed the whole growth of the said four rigs, which were "fair abreird" and four or five inches above the earth. Thus the defenders have not only much injured the complainer, who is one of the members of the session, but have also committed a "verie heich contempt and indignitie" against his Majesty and Council, in "presomeing at thair elbo to begin and renew the barbarous, insolent, and lawles formes quhilkis during the separatioun of the twa kingdomes war so frequent and commoun in the lait Bordouris."—Pursuers appearing, but not the defender, the Lords find the complaint

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clearly proved, and therefore ordain the defender to be committed to ward in the tolbooth of Edinburgh.

Archibald Douglas against Thomas Padyean and others for violence and bearing firearms.

Complaint by the King's Advocate for his Majesty's interest, and by Archibald Douglas of Carranhill, as follows:—On 9th March last, Thomas Padyeane, son of Roger Padyeane of Newtoun, Johnne Douglas, brother of Hew Douglas in Mortoun, and Petir Douglas in Drumcork, armed with hagbuts, pistolets, and other weapons, came to the town of Dobtoun, belonging to complainer, and there fiercely assaulted him and left him lying on the ground for dead. Again, on 10th March, the defenders,

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armed as said is, and accompanied by Johne Padyeane, eldest son of the said Roger, and others, came to the lands of Carranhill and Dobtoun, and sought complainer for his slaughter, and, finding themselves disappointed of that purpose, set upon his ploughmen, and would have slain them if they had not fled.—Pursuers appearing, and Johne Padyeane being also present, but none of the other defenders, the Lords assoilzie the defenders,

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because the pursuers have failed in proof, and ordain both parties to find lawsurety to one another in certain sums before leaving Edinburgh.

Mr John Campbell and James Fogo against the Colquhouns of Luss, father and son, for suspension of horning.

Complaint by Mr Johnne Campbell, minister at the kirk of Lus, and James Fogo of Callintowie, as follows:—They are charged by Johnne Colquhoun, eldest son of Alexander Colquhoun of Lus, tacksman of the teinds of the said kirk, and by his said father for his interest, to find caution in 200 merks each, under pain of horning, not to reset or intercommune with dame Marie Grahame, Lady Buquhannane, elder, Johne Logan and David M'Kynnoir, occupiers of the Easter Mains of Buchannane, Waltir Logane in , Donald M'Ilcheir in Gartunishe, Johne

Buchannane *alias* Waltirsone in Ballindoir, Donald Buchannane in Ardoyle, Thomas Buchannane at the kirk of Buchannane, James Govan, smith there, George Buchannane in Ladreische, George Buchannane in Bordland, Patrik Buchannane Gillespik's son in Trimanocht, and Patrik M'Andro Buchannane in Craichall, while they are at the horn for not paying to the Laird of Lus and his son the teinds of their lands within the said parish. Now, the said Mr Johnne is pastor to the said persons, and some of them are elders and deacons of the said kirk, with whom he must necessarily intercommune, especially at the meetings of the kirk-session, and at the "tryall, examinatioun, and prepairing of thame to ressave the halie sacramentis of the Lordis Supper, at the cathechesing and instructing of thame in principall groundis and articlis of the faith, at the useing of the discipline of the kirk aganis suche of thame as giveis occasioun of offence or oppin scandell," and whenever any of them happens to be "visite with ony soirt of deidlie disease in body or trouble in spirite." Accordingly, he ought not to be required to find the said caution. Farther, the said alleged rebels, having obtained right to the said teinds from the said minister, have raised an action of reduction of the tack on which the decree, with the letters of horning, in favour of the said Johnne Colquhoun, proceeded; and in the process before the Lords of Council and Session the said James Fogo is employed by them for delivering their instructions to their advocates and procurators; and so neither ought Fogo to be urged to find the said caution.—Pursuers appearing personally, and the defenders by Buntene of , the Lords suspend the said letters for the causes abovewritten.

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Licence to Mr Robert Wallace, minister of Tranent and confined there, to repair to Ayrshire.

Petition of Mr Robert Wallace, minister at Tranent, as follows:—He has precisely kept the "limitis of his confyning" within his own parish since he was directed by the King and Council to that effect (vol. ii. pp. 363–4, n.); and now, God having called "to his mercy frome this lyffe" his brother, Mathew Wallace, who resided in the shire of Air, and the said Mr Robert being his nearest heir, it is desirable that he should repair in person to the said shire, in order to use his "credite and freindship" to get himself served heir to his brother. Farther, he had been long ago provided to the vicarage of Garvane; but since the time of his confining he has had no opportunity to intromit with the rents of the said vicarage, the persons owing payment refusing to acknowledge him, in respect of his said confinement. He humbly therefore desires licence to repair to the shire of Air.—The Lords grant him the licence sought, with permission to remain in Ayrshire till 1st July next, provided he repair not to presbyteries, synods, or sessions of the Kirk.

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The Laird of Lundy to be committed to ward for debt.

Action by Mr Johnne Lindsay, brother of James Lindsay of Dowhill, against James Lundy of that Ilk, as unrelaxed from a horning of 21st March last for not paying pursuer, as assignee to Johnne Chisholme at the Woodend of Wester Weymes, 3000 merks as principal and 500 merks for expenses.—Pursuer appearing by James Hammiltoun, and defender personally, the Lords ordain defender to be committed to ward in the

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tolbooth of Edinburgh till he obtain himself relaxed from the horning.

William Diksoun, servitor to Mr George Lawder of Bas, appears, and enters before the Council William Hay of the town of Levin, conform to his act of caution. He is accordingly exonered thereof. William Dickson and William Hay.

Acta Feb. 1610–Oct. 1612. Fol. 7, b.

Sederunt—Chancellor; Ergyll; Perth; Lothiane; Scone; Privy Seal; Comptroller; Collector; Advocate; Clerk of Register; Kilsyith; Sir Johnne Arnott. Edinburgh, 26th April 1610

Fol. 8, a.

Archibald, Earl of Argyll, and David, Lord of Scone, are admitted ordinary members of the Privy Council, and give their oath of allegiance and the oath of a Privy Councillor. Earl of Argyle and Lord Scone admitted of the Council.

As, notwithstanding the proclamations made against selling English beer for more than 18d. per pint, the said beer is commonly sold in all parts of the country for 32d. per pint, the sellers pretending that they buy it at such a high rate that they cannot sell it under 32d. per pint, the Lords ordain the tacksmen of the customs to take caution of the importers of the said beer, before they receive the entry of their merchandise, that they shall sell each tun of the said beer for £6, so that the retailers thereof may sell the same for 18d. the pint,—the penalty to be £20 for each tun sold for more than £6, and half of the penalty to go to his Majesty and the other half to the informer. Magistrates of burghs are to assist the tacksmen in requiring the said caution. Act regulating the price of English beer.

The Lords, in respect of the sickness of Mr George Young, excuse his absence from the Council for the space of two months. Leave of absence to Mr George Young.

Fol. 8, b.

The Lords continue to 3rd July next the letters charging James Haig of Bemersyde on the one part, and Johnne Halburtoun of Mertoun, and Thomas Haliburtoun, called "The Fell Man," on the other part (*ante*, p. 451), to appear this day. In the matter of the feud between Haig and Haliburton.

Commissions. Fol. 57, a.

On 14th instant, while Stevinsoun, spouse of William Weir, tailor in Beruik, was passing from the said town to Endirweik, Johne Orknay in Aytoun, and William Wricht there, forgathering with her on the highway, "raschit hir to the earth, and most shamefullie and unhonnestlie, boith of thame, the one efter the uther, aganis her will, scho being grite with bairne at the tyme, forcit her." As they were immediately afterwards apprehended by the bailie of Coldinghame and his deputes, and are now in their keeping, commission, passed under the signet, and signed by the Chancellor, David, Lord Scoone, and John Prestoun, is granted to the sheriff of Beruik to put them to the knowledge of an assize, and to minister justice on them accordingly. Commission of justiciary against John Orkney and William Wright for rape.

Fol. 61, a.

His Majesty, understanding that Johnne Davidsoun, commissary of Caithnes, is past the age of three score years, "seiklie," and subject to divers diseases, so that he cannot serve in the common affairs of the country without the hazard of his life, grants licence to him to remain at home from all wars, wapinschawings, and gatherings in time coming, Dispensation to John Davidson, commissary of Caithness.

and exempts him from attending on assizes, inquests, justice airs, justice courts, sheriff courts, burgh courts, or courts for serving of brieves, apprising of lands, bearing witness, or other causes whatever, except within the shire where he dwells. The dispensation, given under the signet, is subscribed by the Chancellor, Argyle, Perth, Lotheane, and Scone. Commissions. Fol. 61, a.

Decree against William Rhind of Kerse, and John Rhind, fiar thereof. for debt.

Action by Mr James Strauchauchin, writer, against William Rynd of Cars, and Johnne Rynd, fiar thereof, as unrelaxed from a horning of 13th February last for not paying pursuer (1) 200 merks as principal, £30 for expenses, and £10 for each charge, (2) 1050 merks as principal, 200 merks for expenses, and £40 for each charge, (3) £1000 specified in a decree of date 10th July last, obtained before the Lords of Council and Session by James Ogilbie of Balfour against the defenders, and assigned to pursuer.—Pursuer appearing by Robert Murray, defender is to be apprehended for not appearing. Decreta 1609–10, Page 392. Page 393.

Decree against Edward Johnstone for disobedience.

Action by Adam Lawty, portioner of Sauchtounhall, writer to the signet, against Edward Johnstoun, younger, merchant in Edinburgh, as unrelaxed from a horning of 20th instant for not entering in ward in the tolbooth of Edinburgh for his "insolence" to complainer (*ante*, p. 453).—Pursuers appearing by Daniell Melvill, decree as above against the defender. Page 394.

Decree against Robert Fullarton and others for debt.

Action by Mr Patrik Orme, œconomus of the New College of St Androis, against Robert Fullertoun in Little Perth, Chairles Murray there, George Thomesoun in Nether Conan, James Strachauchin there, Johne Smyth in the Hill of Conan, Waltir Jamesoun in Ballathie Mure, Johnne Hepburne in the Muretoun, Thomas and Johnne Fettoussis there, James Thomesoun in Wester Perth, Johne Grahame in Mekle Perth, Johnne Robert there, James and Thomas Lowis there, William Lyoun in Nether Bagillo, and Alexander Cokburne in Mekle Baggillo, as all unrelaxed from a horning of 22nd December 1608 for not paying pursuer the value of certain victual spuilyied by them off the lands occupied by them, conform to a decree before the Commissary of St Androis, dated 26th November 1607.—Pursuer appearing by Archibald Douglas, defenders are to be apprehended for not appearing. Page 395.

Decree against Patrick Lindsay and others for debt.

Action by Mr Patrik Orme, brother of the late David Orme of Mugdrum, and œconomus and factor of the New College of St Androis, against Patrik Lindsay of Barnyards, Alexander Neshe at the Mill of Tannades, James Clerk in Little Coull, Williame Lyoun in Little Kynnaltie, Thomas Persone in Torphachie, Alexander Lindsay of Carne, and David Lindsay of Correchill, as unrelaxed from a horning of 13th January last executed against them for not delivering to pursuer, as œconomus, the teindsheaves, fruits, and rents due by them to the masters of the said college for 1607 and 1608.—Pursuer appearing by Archibald Douglas, decree as above against the defenders. Page 396.

Decree against Wardlaw of Torrie for debt.

Action by Richard Maxwell at the West Brig of Kirkaldy against Andro Wardlaw, elder of Torrie, and Andro Wardlaw, his son, fiar thereof, as unrelaxed from hornings of 4th July 1609 and 21st March 1610 for

Decreta 1609-10. Page 397.

not paying pursuer 3500 merks.—Charge had been given to the father to answer, and there is decree as above against him.

Decree against Ogilvy of Auchindory for debt.

Action by Margaret, Marioun, and Elizabeth Purdeis, sisters and heirs portioners of the late James Purdie, who was son and heir of late James Purdie of Kynnaldie, and by Niniane M^cMorrane, merchant, burgess of Edinburgh, spouse of the said Elizabeth, and Mr David Prymrois, advocate, spouse of the said Marioun, for their interest, against Alexander Ogilbie of Auchindorie, as unrelaxed from a horning of 15th February last for

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not paying them 3500 merks, for redemption from them of the annualrent of 350 merks furth of the lands of Kennymekle with the mill and mill-lands thereof, conform to the three reversions made thereanent.—Mr David Prymrois appearing for the pursuers, decree as above against the defender.

Decree against Sir John Boswell for debt.

Action by Johne Skrymgeour, apparent of Dudhop, against Sir Johne Boiswell of Balmowto, as unrelaxed from a horning of 17th February last

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for not paying, as cautioner for George Seytoun of Parbroith, 1000 merks of expenses specified in a contract between the said George as principal, and the said Sir Johne and certain others for him, on the one part, and Seytoun, brother of the said Laird of Parbroith on the other part, dated 26th, 27th, and 29th July 1606.—Pursuer appearing by Archibald Douglas, decree as above against the defender.

Lockhart of Lee against John Weir for bearing fire-arms and for other unlawful acts.

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Complaint by the King's Advocate and by James Lockart of Lie, as follows:—On Sunday, 6th May last, William Weir of Clerkstoun and Johnne Weir in Clennochdyke, with others, all armed with pistolets and other weapons, came to the parish kirk of Lanark, and violently demolished the complainer's seat and "dask" therein. On 20th May they came to that part of his lands of Lie where he had set up "a gibbit or gallows," and "pullit the same doun to the ground." Again, on 29th January last, they cast down the same and cut it in pieces; and, coming then to his town of Cairtland, being a burgh of barony, they destroyed the tron of the said burgh.—Charge had been given to Johnne Weir to answer; and now,

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pursuers appearing, the defender is to be denounced for not appearing.

Decree against Sir James Kincaid and Sir David Heron for debt.

Action by Robert Stewart in the burgh of Edinburgh, son of the late Johnne Stewart of Neilstounsyde, against Sir James Kincaid of that Ilk and Sir David Hering of Lethintie, as unrelaxed from hornings of 19th and 29th January last for not paying pursuer 875 merks as principal, 200 merks for expenses, and a yearly annualrent of 10 per cent.—Pursuer

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appearing by Archibald Douglas, decree as above against the defenders.

Protest in favour of Thomas MacLellan and sons, sued for abduction.

Thomas M^cClellane of Balmangane, James M^cClellane, apparent of Balmangane, and William and Thomas M^cClellanes, his brothers, appear, and give in a copy of the letters raised against them by the King's Advocate and Sir Johnne Chairterhouse of Amisfield, charging them to bring with them this day Jeane Chairterhouse, oy to the late Robert Chairterhous of Kilwood, and answer for her alleged abduction, and for convocating the lieges in arms, and bearing hagbuts and pistolets.—Both parties appearing, M^cClellane and his sons produce the said Jeane, and

protest that they shall not be held to answer farther till warned of new; and the Lords admit the protest. Decreta 1609-10.

Edinburgh, 10th May 1610. *Sederunt*—Chancellor; Perth; Lotheane; Privy Seal; Collector; Advocate; Sir Johnne Arnott. Acta Feb. 1610–Oct. 1612. Fol. 8, b.

Charge to Hamilton of Quothquot and Ramsay of Whitehill for keeping the peace.

There being "mutuall challangeis" between Jonas Hammiltoun of Quotquot and Alexander Hammiltoun, his brother, on the one part, and Ramsay of Quhythill and David Ramsay, his brother, on the other part, there is order to both parties to appear before the Council on 17th instant, under pain of rebellion, and in the meantime to command both parties to keep the peace, under the pain of 3000 merks each.

Commission of justiciary against John Bruce.

Johnne Bruce in having been on 6th instant apprehended by the bailie of Cunninghame red-hand for the slaughter of Robert Boyd at the kirk of Stewartoun, and being now for the said crime in the hands of Hew, Earl of Eglintoun, bailie principal of Cunnynghame, commission, passed under the signet, and signed by the Chancellor, Perthe, Lotheane, R. Cockburne, and John Prestoun, is given to the said bailie [? principal] of Cunnynhame to put him to the knowledge of an assize and minister justice on him. Commissions. Fol. 57, b.

Duncan Wright against Donald Buchanan and others for assault.

Complaint by the King's Advocate and by Duncane Wricht in Arrochimoir, that Donald Buquhennane, William George's son in Arrachiebeg, and Thomas Arroll there, armed with hagbuts, pistolets, and other weapons, waylaid the complainer on the highway, and discharged a shot at him, which would have slain him but that he "fell doun to the ground upoun his womb and sua eschaiped."—Complainer appearing, defenders are to be denounced for non-appearance. Decreta 1609-10. Page 402. Page 403.

Captain Thomas Knightson against Sinclair of Ethie for wrongous intromission.

Complaint by Captain Thomas Knychtstoun, as follows:—Complainer having shipped 24 chalders of bear from the isle of Schaipingschaw in Orkney to the port of Leith for sale, William Sinclair of Etha, with others, all armed, under colour of letters of poinding obtained by him against Patrik, Earl of Orknay, and pretending the said victual to be his, violently took out of the complainer's barque five chalders of the said victual, and stored the same in a cellar in Leith. Complainer having given caution to Sincler, and also to the provost of Edinburgh, that the said cellared victual should be furthcoming according to law, the arrestment had been removed; but in March last defender forcibly broke up the door of the said cellar, took away the victual, and disponed thereof.—Both parties appearing, the Lords find that the defender did wrong, and, on the solemn oath of pursuer that the victual was his, ordain the defender to deliver to him again the foresaid five chalders. Page 404. Page 405.

Decree against Alexander Stewart for debt.

Action by Sir George Elphinstoun of Blythiswood against Alexander Stewart of Lagrie, as unrelaxed from a horning of 18th July 1609 for not paying pursuer £160 as principal and £40 of expenses.—Pursuer appearing by Archibald Douglas, defender is to be apprehended for not appearing. Page 406.

Action by Henry Wardlaw of Balmull, Queen's chamberlain of the

Decreta 1609–10.

Lordship of Dunfernelyne on both sides of the Foirth, against Johnne Strang of Balcaskie, James Hammiltoun of Kinbrakmonth, Sir Johnne Melvill of Over Carnebie, Alexander Martene of Giblistoun, Elizabeth Wishart, Lady Balmonth, Robert Couper and Allan Thomsoun in Lingo, James Jak in Langside, Johnne Oliphant in Baldinth, Peter Oliphant of Kelliemills, David Hog and Thomas Irnis in Kellie-mains, Richart Stewart in Arnecroch, Johne Mylne there, William Foggow, Johnne and Andro Irelandis there, Petir King there, Andro Smyth there, Thomas Mathie there, Margaret Bell there, William Duncane in Over Kellie, Andro and David Beanis there, Peter Kilmelie, and Peter Oliphant there, as all unrelaxed from a horning of 17th April last for not paying pursuer the victual owing for the teinds of their lands for 1609.—Pursuer appearing by Mr James Sandielandis, advocate, decree as above against the defender. Decree against Strang of Balcasky and others for debt.

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Action by Mr Patrick Lindsay in Edinburgh, and Beatrix Fergusoun, his spouse, against Johnne Carrutheris of Halmaynis, as unrelaxed from a horning of 7th March last for not paying them 400 merks as principal and £50 for expenses.—Lindsay appearing personally, decree as above against the defender. Decree against Carruthers of Holmains for debt.

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Complaint by Thomas Sorlie, burgess of Streviling, that, on 2nd instant, the provost and bailies of the said burgh caused him to be committed to ward in their tolbooth, where he is still detained in "strait prisone and captivitie," without just cause.—Charge had been given to James Schorte, provost, Walter Cowane, Johnne Scherar, John Cunynghame, and Johne Hendirsoun, bailies, to appear and produce the complainer; and now Scherar and Cunynghame, appearing and producing Soirlie, produce also an act of court of their burgh, dated 2nd May, and subscribed by Johnne Williamsoun, notary public and clerk of the said burgh. It bears that complainer had been called before the said magistrates for closing up "ane slop and entres" of the town's old passage to their fishing on the Foirth through St Laurence Croft, and thereby debarring the town not only from their fishing, but also from the way by the said "slop" to the building and mending of their bridge, and also from watering their horses in the Foirth. It further bears that, for complainer's "unreverent" speeches against the provost on this occasion,—*e.g.* his saying that he had built up the said "slop" at the command of the Laird of Randiefurd, his master, and that the provost had better have no dealing with that laird, because that laird's late father "brak ane bailleis heid of Stirling, named David Foister of Logy, that they micht haif turned thrie fingairis in the wound of his heid,"—complainer had been unlawed in £10 and ordained to remain eight days in ward in the tolbooth. The Lords accordingly find that complainer had been very deservedly punished, and therefore assoilzie the defenders; but, as complainer has now been eight days in prison, they ordain him to be released, and remit the question of the building up of the "slop" to the proper judge. Thomas Sorly, burgess of Stirling, against the magistrates thereof for wrongous imprisonment. Decree of absolvitor.

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Page 410.

Complaint by Janet Langtoun, relict of Johnne Lessance, tailor in Newbotle, that, in April last, while she was coming from the town of Janet Langton against George Steven for assault.

Dalkeith to her own house in Newbotle, George Stevin in Dalkeith assaulted her with a "grite trie forkit with irne," broke two ribs in her side, and left her for dead.—Pursuer appearing personally, defender is to be denounced for not appearing. Decreta 1609–10. Page 411.

Decree against John Logan and son for debt.

Action by Johnne Rowat, burgess of Glasgow, against Johnne Logane, elder of Balvey, and Johnne Logane, younger of Balvey, as unrelaxed from a horning of 31st January last for not paying him 500 merks.—Pursuer appearing by Archibald Douglas, defenders are to be apprehended for not appearing. Page 412.

George Wishart against David Balfour for mutilation.

Complaint by George Wischart, son of Alexander Wischart in Kincairne, that, in November last, while he was riding on the lands of Fettircairne, David Balfour in Balbegno fiercely set on him with a drawn sword and mutilated him of three fingers of his right hand.—Pursuer appearing by Johnne Ker, servitor to James Kynneir, writer to the signet, defender is to be denounced for not appearing.

Protest in favour of James Smith.

James Smyth, sometime servitor to George, Earl of Marschell, appears, and gives in a copy of the letters raised by Andro Small, son of Thomas Small, burgess of Kintor, charging Smyth to answer for having with a sword and whinger wounded the said Andro between the said Earl's house in Abirdene and the house of the late Thomas Kellie there.—Small not appearing, Smyth protests that he shall not be held to answer farther till again warned; and the Lords admit the protest. Page 413.

Edinburgh, 17th May.

Sederunt—Chancellor; Perth; Lotheane; Comptroller; President; Master of Elphinstoun; Advocate; Kilsyth; Sir Johnne Arnote. Acta Feb. 1610-Oct. 1612. Fol. 9, a.

Extension of commission of justiciary to Lord Douglas within the bounds of Douglas and Crawfurdmuir.

Because of the frequent stouths, thefts, and slaughter of black fish in forbidden time within the lordship of Douglas and Craufurdmure, belonging to William, Lord Douglas, the Lords had granted to him on 6th February last, to endure for four months, a commission of justiciary for trying and punishing all offenders in this matter within the said bounds. The execution of the commission having, however, been frustrated by divers persons, who, to eschew trial, had obtained sundry suspensions thereof, and the term of the commission being now almost expired, the Lords ordain the same to remain in full force till 1st August next, again appointing Lord Douglas his Majesty's justice within the said bounds, and giving him power to hold courts and to do all other things necessary for the due execution of the said commission.

Charge to Forbes of Monymusk and Gordon of Pitlurg.

A quarrel being "lyke to fall oute" between Williame Forbes of Monymusk and his bairns on the one part and Gordoun of Pitlurg on the other side, for "aue halke" in the possession of Gordoun, which Forbes claims to be his property, there is order to both parties, under pain of rebellion, to appear before the Council on to answer thereanent. Fol. 9, b.

Hamilton of Quotquot and Ramsay of Whitehill.

Jonas Hammiltoun of Quotquott and Johnne Ramsay of Whytehall appearing as charged (*ante*, p. 458), but Alexander Hamiltoun failing to

Acta Feb. 1610–Oct. 1612.

appear, the Lords find, by the declaration of the parties present, that the quarrel has originated "upoun this occasioun: that certane goodis stollin fra the said Johnne Ramsaye [the connection broken, and more than one folio wanting] . . . . . .

Commissions. Fol. 58, a.

Commission of justiciary against John MacEwen and others.

The late Johnne Lennox, eldest son of Johnne Lennox of Innerlaren, having been, on 6th instant at night, cruelly murdered in the town of Kilbryd, while he was repairing home to his said father's house in Innerlaren, and Johnne M°Ewne in Kilbryd, Margaret Nickfarlane, his spouse, Margaret Nickuncater there, Margaret Nickilreoch in Innerlaren, James Denneistoun in the chapel of Kilbryd, and Donald M°Hawis in Achingayth, being suspected of the said murder, and having been apprehended by Alexander Colquhoun of Lus, their master, and having on examination confessed the said crime, commission is given to Colquhoun to put them to the knowledge of an assize in a justice court to be appointed by him, and to minister justice on them. The commission, passed under the signet, is subscribed by the Chancellor, Perth, Lothiane, James Hay, Elphingstoun, Kilsyth.

Sederunts 1609–16. Fol. 18, b.

Lord Blantyre and others.

The Lords excuse the absence from Council of the Lord of Blantyr for a month, of the Earl of Wigtoun for a month, and of the Master of Elphinstoun till the first Council day of June.

Fol. 19, a.

Campvere.

An Act anent the transporting of merchant wares to Campheir.

John Ainslie and son.

Johnne Anislie and his son committed to ward in the tolbooth, at the instance of James Anislie, burgess of Edinburgh.

Decreta 1609–10. Page 413. Page 414.

Decree against Thomas Duff of Perth for not relieving his cautioner.

Action by James Dicksoun, portioner of Banchrie, against Thomas Duff, merchant, burgess of Perth, as unrelaxed from a horning of 14th April last for not relieving pursuer, at the hands of William Duncane, skinner in Perth, and Margaret Richardsoun, his spouse, of the payment of 400 merks as principal and £40 for expenses.—Pursuer appearing by Alexander Douglas, defender is to be apprehended for not appearing.

Page 415.

Sinclair of Dunbeath against Sinclair of Burrowston and others for wrongous imprisonment of his servitor.

Complaint by the King's Advocate, and by George Sincler of Dunbeth, as follows:—On 23rd April last, Henry Sinclair of Burrowstoun, brother of George, Earl of Caithnes, George Innes in Skaill, Andro Moir in Holme, Rory M°Hucheoun there, and Hucheoun Beg there, servitors to the said Henry, with others, all armed with bows, darlochs, two-handed swords, targs and dirks, and with the forbidden hagbuts and pistolets, "come to the said George Sinclairis proper landis of Soundsyde, quhair Alexander M°Ky, his servitour, wes gangand at his pleuch in peciable and quiet maner, and thair violentlie took the said Alexander frome the said George pleuch, caryed him with thame presoner to Castell Sincler, committit him to presone in the pit of the said castell, appointit for theveis, murtherairis and malefactours, and held and detenit him in that miserable hoill the space of sevin weekis, refuseing all men to haif access unto him or to minister to him ony necessaris except so muche bread and wattir as micht preserve his lyff." In the meantime they consulted how, under pretext of law, they might take his life. But God, "who is the protectour of poore, innocent, distressit personis," having frustrated their designs, in so

far that they could not imagine by what subtlety under cover of justice they could proceed to that length against the man "whose innocencie wes so notour to all the cuntrey as it maid the personis foirsaidis eschamed and effrayed," they suffered him at last to go free.—Charge had been given to the defenders to answer, and also to James Hendirsoun in Tispiter, Alexander Bayne in Thrumster, Richart Sincler in Charitie, Patrik Halie in Thurso, Johnne Sincler of Ratrie, and Andro Mowat in Swynzie, to appear as witnesses; and now, none of the defenders and none of the witnesses appearing, the Lords ordain them all to be denounced rebels. Decreta 1609–10. Page 416.

Decree against Sir Robert Crichton and Mr David Ogilvy for debt.

Action by Antone Quhyte, writer to the signet, against Sir Robert Creichtoun of Cluny, and Mr David Ogilbie, fiar of Pitmoweis, as principals, and Johnne Stirling of Easter Brakis, as surety for them, for remaining unrelaxed from a horning of 14th April last for not paying pursuer 1000 merks as principal and 300 merks for expenses.—Charge had been given to the said principals to answer; and now, pursuer appearing by Alexander Douglas, defenders are to be apprehended for not appearing. Page 417.

Decree against Traill of Blebo and others for debt.

Action by Margaret Niniane, relict of Robert Scheho, burgess of Falkland, against Johnne Traill of Blebo, and Johnne Traill, fiar thereof, as principals, and David Archibald in Blebohoill as surety for them, for remaining unrelaxed from a horning of 17th January last for not paying her 1200 merks as principal and £100 for expenses.—Pursuer appearing by Archibald Douglas, decree as above against the defenders.

Decree against John Dunbar of Moyness for debt.

Action by George Smyth, merchant, burgess of Edinburgh, against Johnne Dumbar of Moynes, as unrelaxed from a horning of 20th February last for not paying pursuer £8 for each of three score bolls of "cheritit beir," and £100 for expenses.—Pursuer appearing by George Smyth, his son, decree as above against defender. Page 418.

Decree against Lindsay, fiar of Kinfawns, for debt.

Action by Petir Sandirsoun, tailor, burgess of Edinburgh, against Sir Johne (? Hary) Lindsay, fiar of Kinfawnis, as cautioner for David, Earl of Craufurd, for remaining unrelaxed from a horning of 1st March last for not paying pursuer 8000 merks as principal, with the byrun annuals thereof and expenses, as specified in the said Earl's obligation dated 3rd March 1609.—Pursuer appearing, decree as above against Sir Hary. Page 419.

Decree against Wardlaw, younger of Torrie, for debt.

Action by Petir Sandirsoun, tailor in Edinburgh, against Andro Wardlaw, younger of Torrie, as unrelaxed from a horning of 6th April last for not paying pursuer, and Helene Cranstoun, his spouse, 2000 merks as principal and £200 for expenses.—Decree as above against defender. Page 420.

George MacCharter against John Hamilton for assault.

Complaint by George M°Chartour, tailor, burgess of Edinburgh, as follows:—On 7th instant, Johne Hammiltoun, son of the late Johne Hammiltoun, burgess there, came to complainer's house, and, after "some familiar discourssis and speitcheis," desired complainer to go with him to the Castlehill, that they might quietly confer about something to complainer's advantage. Accordingly complainer had gone to the said hill, and had walked some distance on the south side thereof with defender,

Decreta 1609–10.

when defender craved the complainer "over the north bank," and without any farther speech attempted to strike complainer in the belly with a long dagger. Complainer eschewing that thrust, defender then "fetchit ane uther stryke," with which he "woundit him deidlie in the heid."—Complainer appearing personally, defender is to be apprehended for not appearing.

Page 421.

Decree against George Home and John Manderstone for debt.

Action by James Wrycht in Edinburgh against George Home and Johnne Mandirstoun, bailies of the burgh of Duns, as unrelaxed from a horning of 26th July last for not paying pursuer £166, 13s. 4d. as principal, £40 for expenses, and £12 for the plea, as specified in a decree obtained before the Council and Session on 3rd June last.—Pursuer appearing by Archibald Douglas, defenders are to be apprehended for non-appearance.

Page 422.

Decree against William Young and others for debt.

Action by Samuell Blakburne, merchant in Edinburgh, against the following persons, as unrelaxed from hornings of 11th and 19th January last for not paying him the following sums:—William Young, servitor to the Lady Auldbar, £212 as principal and £20 for each term's failure; David Barnisfather in Pencaitland, £360 as principal and £30 for expenses, minus the sum of £4 sterling at 15s. the testan, extending to £30 Scots; and Mr Johnne Finlasoun, son of Mathew Finlasone of Killeith, 200 merks as principal and £30 for expenses.—Pursuer appearing by Archibald Douglas, decree as above against the defenders.

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Decree against Thomas Davidson for debt.

Action by Cornelius and Walter Decaysaris, and Frances Blayhorst, merchants in Midleburgh, in Holand, and by Robert Fortoun, writer to the signet, their procurator, against Johnne Ogilvie and Thomas Davidsoun, merchants, burgesses of Dundie, as unrelaxed from a horning of 16th March last for not paying the Decaysaris £41, 10s. great Flemish money, or else £6, 17s. 6d. Scots for each Flemish pound, with £12 for the expenses of plea and collector silver; the said Davidsoun also for not paying Blayhorst £19, 18s. great Flemish money or else its Scots equivalent, with £12 for expenses of plea and collector silver.—Pursuers appearing by James Nicolsoun, decree as above against Davidsoun (alone charged to appear).

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Suit of Thomas and Archibald Telfer to be excepted from the commission of justiciary granted to Lord Douglas.

Complaint by Thomas Tailyefeir in Mains of Crawfurd, and Archibald Tailyefeir in Middle Houshold, both tenants of Johnne Carmichaell of Medowflat, as follows:—William, Lord Douglas, having obtained a commission of justiciary to hold courts by himself or his deputes on the inhabitants of Crawfurd Lindsay *alias* Crawfurd Douglas, held by him of his Majesty (*ante*, p. 460), intends to summon the complainers to appear before him and James Inglis of Braidlie, his depute and bailie, on 1st May next, in the castle of Douglas, to answer for certain capital crimes alleged committed by them. Now, there is a deadly feud between Carmichaell and his friends, including the complainers, on the one part, and Walter Weir of Newtoun, Thomas, William, and Alexander Weiris, his sons, and Adam Weir in Little Clyde, brother-son of the said Waltir, and the said Inglis, all Lord Douglas's men, on the other part, for the

slaughter of William Carmichaell, brother of the said Johnne, committed by the said Walter Weir, his said sons, brother-son, and accomplices, in May ; and in consequence of the said feud the complainers dare not, for fear of their lives, resort to the castle of Douglas for clearing themselves of the crimes libelled, unless they be accompanied by their said master and his friends. Farther, Lord Douglas and his said bailie are "verie suspect" to have any privilege of justiciary against the complainers, because the said bailie, who has the direction of the said court, with the nomination of the assize, is the chief person that avows this feud against the complainers, and will not fail, under colour of justice, to execute his malice against them. On occasion of this same feud, the Council had granted to Johnne Tinto of Synwood, another of their said master's men, a suspension of the commission of justiciary obtained by William, Earl of Angus, father of Lord Douglas, in 1608. The complainers are willing to be tried by the justice for any crimes that can be laid to their charge; and, as they found caution for their appearance, each in 300 merks, Lord Douglas and his bailie ought to be discharged of all farther proceeding against them in the said matter, and the trial thereof should be remitted to the justice general.—Complainers appearing, and Lord Douglas being also present, the Lords remit the trial of this matter to Lord Douglas, ordaining him to hold his courts for trying the pursuers in the tolbooth of Edinburgh, and to sit therein as judge himself, and to use the privilege of the said commission in his own person only.

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Similar suit against Lord Douglas by Adam and Matthew Moffat.

Complaint by Adam Moffett in Haircleuch, and Mathew Moffet in Quhytcamp, his cautioner, as follows:—William, Lord Douglas, Master of Angus, Johnne Symontoun of that Ilk, and James Inglis of Braidlie, his bailies of the lordships of Douglas and Craufurd Douglas, in respect of the commission to the said Lord Douglas to hold courts within certain bounds, had summoned the said Adam to a court to be held before them in the castle of Douglas on a certain day long past. The said Adam, appearing on that day, had found the said Mathew caution for him to answer before them on a certain day thereafter; and the said court was then continued to another day, now also long past. But Lord Douglas and his said bailies have lately summoned the complainers to appear before them in the castle of Douglas on 1st May, under pain of poinding. The said persons are not judges competent in the case of complainers, for the following reasons:—(1) Complainers dwell not within the said lordships. (2) No copies have been delivered to complainers specifying the crime whereof the said Adam is to be accused. (3) Defenders would be not only judges in the cause, but also pursuers, inasmuch as the whole profit of the actions would fall to them. (4) Deadly feud still remains between the said Adam and his friends on the one part and James Williamsoun in the town of Craufurd and his friends on the other part, for Williamsoun's having, on February and November 1609, wounded the said Adam, and mutilated his brother's son (Thomas Moffet in Craufurd) of the right arm with a pistolet

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or hagbut; and, the said Williamsoun being Lord Douglas's vassal, and maintained by him in all his actions, complainers cannot repair to the town of Douglas without convocation of their friends. For these reasons, and because the said Adam found caution in 500 merks to answer before

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the justice general in the justice court of Lanark, Lord Douglas and his deputes ought to be discharged from all proceedings in this case.—Pursuers and Lord Douglas appearing, the Lords ordain Lord Douglas to sit himself in the execution of his commission, and discharge him from proceeding against complainers by his bailies.

Similar suit against Lord Douglas by John Tinto and others.

Complaint by Johnne Tinto in Southwood, William Moffet in Quhytgill, and the other tenants of Southgill, Quhytgill, and Normangill, as follows :—

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They have been summoned to answer for certain capital crimes before Lord Douglas and James Inglis of Braidlie in the castle of Douglas on 1st May. To this complainers object :—(1) Because they have dwelt these many years on the said lands, belonging to Johnne Carmichaell of Medowflat, Captain of Craufurd, and Lord Douglas's commission of justiciary cannot be extended to them, but only to his own lands of Craufurd Lindsay; (2) Complainers dare not, for their lives, compear in the castle of Douglas without convocation of their friends, in respect of the deadly

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feud which has been occasioned by the slaughter of William Carmichaell, brother of the said Captain. As complainers are willing to undergo trial before any unsuspect judge, and to this effect have found caution, each in 300 merks, Lord Douglas and his depute ought to be discharged of all farther proceeding against them.—Pursuers and Lord Douglas appearing,

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the Lords, in respect the first reason depends on the question of the heritable right to the said lands, remit the discussing thereof to the Council and Session, but find the second reason not sufficiently relevant to stay the execution of the said commission.

Similar suit against Lord Douglas by Robert Moffat.

Complaint by Robert Moffet in Crimptcrampt, as follows :—He is summoned to answer for certain capital crimes before Lord Douglas and his deputes in the castle of Douglas on 1st May. Now :—(1) Complainer is not tenant of Lord Douglas, as he does not dwell on his lands of Douglas or Craufurdmure. (2) Complainer cannot safely repair to the castle of Douglas, because of a feud occasioned as follows :—In March 1607, David Douglas of Harwood, Lord Douglas's domestic servitor, with others, hounded

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out by the said Lord, wounded the late William Moffet, and left him for dead; and in 1608 James and Johne Williamesoun in Craufurd, also Lord Douglas's servants, shot Thomas Moffet in Craufurd, mutilating him of the arm, and with a spear ran Adam Moffet, brother of Mathew Moffet of Quhytcampt, through the arm. On these grounds, and because complainer has found caution in 300 merks to answer before the justice for any crimes that can be laid to his charge, Lord Douglas ought to be dis-

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charged from all proceeding against him.—Both parties appearing, the Lords ordain Lord Douglas to sit himself as justice in the execution of his commission against the complainer, and discharge him of all proceeding by his bailies.

John Fleming against James Sempill and Ezekiel Montgomery for wrongous imprisonment.

Complaint by Johnne Flemyng in Ardochrig, that on 17th February last James Semple and Ezetchiell Montgomerie, servitors to Hew, Master of Semple, having "craftelie" induced complainer to come to Glasfurd, bound him with cords hand and foot, and cast him in strait prison within the said place, where they still detain him without just cause.—Complainer appearing, but not the defenders, the Lords find the complaint proven, and charge defenders to enter in ward in the tolbooth of Edinburgh. Decreta 1609-10. Page 435.

John Williamson against Thomas Moffat for suspension of horning.

Complaint by Johnne Williamsoun, son of James Williamsoun in the town of Craufurd, that he is put to the horn at the instance of the King's Advocate and of Thomas Moffat in the town of Craufurd, for not entering in ward in the tolbooth of Edinburgh for the alleged crime of discharging a pistolet at the said Thomas and shooting off his right arm (*ante*, p. 465). As he has never been lawfully charged, and as the actual perpetrator of the said alleged crime was Johnne Williamsoun, son of the late Robert Williamsoun in Glengoner (from whom Moffet had received £50 as satisfaction for the injury, and who had besides been in the tolbooth of Edinburgh for half a year for the offence), and as complainer found caution in £100 to answer this day and to pay £10 for his escheat, the said horning should be suspended.—Both parties appearing, the Lords do suspend the horning; but, according to their first decree in the case, they ordain the complainer to be committed to ward in the tolbooth of Edinburgh. Page 436.

Case of Sinclair of Ethay against Captain Thomas Knightson.

Complaint by William Sincler of Athay, as follows:—Complainer having been decerned on 10th instant to restore five chalders of bear to Captain Thomas Knychtsoun, the said captain has charged him to deliver the same within ten days after the charge, under pain of rebellion. Now:—(1) complainer intromitted only with 24 bolls; (2) he did no wrong in so doing, because the said victual was poinded by decree of the Lords of Council and Session as the Earl of Orknay's victual, which shall be clearly proven; (3) there is no liquidation of the prices, so that complainer does not know how much to offer or consign.—Both parties appearing, and Sincler having on oath acknowledged that he intromitted with 43 bolls of the said victual, the Lords decern Sincler to restore that quantity to the captain or pay him £3, 15s. per boll. Page 437. Page 438.

Edinburgh, 22nd May.

Sederunt—Chancellor; Perth; Comptroller; Justice Clerk; Collector; Advocate; Sir Johnne Arnott; Sir Peter Young. Sederunts 1609-16. Fol. 19, a.

"The quhilk day Mr Peter Young gaif his oath."

Edinburgh, 24th May.

Sederunt—Chancellor; Treasurer; Bishop of Glasgow; Montrois; Decreta 1609-10. Page 438.

On this day the Earl of Dunbar had arrived in Edinburgh on another of his important missions from Court. He was attended by three English divines of eminence; and, coming by Newcastle, he had there had interviews with his old acquaintance Mr James Melville, dealing earnestly with him to put an end to his exile by submitting to the King's kirk-polity and returning to Scotland to forward it. "Why may yee not be a bishop als weill as many godlie and learned men?" he had asked Melville; and, when Melville had signified his utter inaccessibility to any such proposal, the Earl,

Decreta 1609–10.

Perth; Wigtoun; Lotheane; Scone; Burlie; Privy Seal; Secretary; Comptroller; Collector; Justice Clerk; Advocate; Sir Robert Melvill, younger; Kilsyth; Sir Johne Arnot; Sir Petir Young.

John Spalding and others against Andrew Wilson and others for hamesucken and violence.

Complaint by the King's Advocate, and by Johnne Spalding in Wester Tullilundie, Jonat Clerk, his spouse, and William Spalding, his servant, (1) that on 8th April last Andro Wilsone in Balleid, William Wilsone, his son, Patrik Blair, his son-in-law, and others, all armed with hagbuts and pistolets and other weapons, came to complainer's dwelling-house, assaulted his said spouse and servant, and "fellit thaime boith deid to the ground"; (2) that on 12th April the defenders attacked of new the said Jonat and William, while they were at the plough on the lands of Wester Tuluydie, and wounded them.—Pursuers appearing, and also the defenders, except Blair, the Lords assoilzie Andro Wilsone and William Wilsone, but find Blair guilty of the second charge, and order him to enter in ward in the tolbooth of Edinburgh.

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Page 440.

Decree against William Crawford and others for debt.

Action by William Foullertoun of that Ilk against William Crawfurd and Thomas Fischer, merchants, as principals, and Johnne Craufurd of Beircroftis, as surety for them, for remaining unrelaxed from a horning for not paying £2643 as principal and 800 merks for expenses.—Pursuer appearing by Archibald Douglas, defenders are to be apprehended for not appearing.

'age 441.

expressing regret that he could not in that case do all for him that he would have liked to do, intimated that he would nevertheless do all for him that lay in his power. Accordingly, he took Melville with him to Berwick, and left him there, still a prisoner on parole, but so much nearer Scotland than he had been.—The entry of the Earl of Dunbar into Edinburgh on the 24th of May was peculiarly triumphant. According to Calderwood (vii. 91) he was brought into town by a procession of 1600 horse, with which Chancellor Dunfermline, the other resident Councillors and nobles, and the magistrates and town council, had gone out to meet him; and from that day, on every occasion of the appearance of the Chancellor and the Earl of Dunbar together in the streets of Edinburgh, two silver-gilt maces or wands were carried before them.—The main purpose for which the Earl of Dunbar had come was to hold and manage another General Assembly of the Kirk, in which the series of the King's measures for the extirpation of Presbyterian church-government and the restoration of Episcopacy might, if possible, be brought to something like a consummation. As there had been so recent a proclamation in his Majesty's name putting off that General Assembly which, by the appointment of the last General Assembly ought to have been held in this very month of May 1610, the surprise was great and general. The King and the Scottish Bishops, however, had secretly come to the conclusion that, after all, the time was ripe for an Assembly, and that, with certain precautions, it might be safely held. One of the precautions was that the announcement of it should be deferred to the last moment. Accordingly, though, by Royal Letters dated from Whitehall as far back as the 1st of April (see a copy in Calderwood vii. 92-93) Archbishops Gledstanes and Spotswood had been empowered to "make choice of the most wise, discreet, and peaceablie-disposed ministers" in their respective provinces, and to see that these should be duly commissioned by their presbyteries to attend a General Assembly to be held at Glasgow on the 8th of June, it may be doubted whether the design of such an Assembly at Glasgow was generally known even on this 24th of May, when the Earl of Dunbar was again in his seat beside his colleagues of the Privy Council in Edinburgh. Possibly it still rested with his determination, after consultation with his colleagues, whether the Assembly should be held or not.

Innes of Elrig against Innes of Drainy and his brother, for suspension of horning.

Complaint by Johne Innes of Elrig that he is put to the horn by James Innes of Drany, and Alexander Innes, his brother, for not having answered touching his alleged wounding of the said James in the shoulder and Alexander in the head. As he has never been lawfully charged to answer, and as he had found caution in 500 merks to appear this day and to pay 40 merks for his escheat to the Treasurer, the said horning should be suspended.—Pursuer appearing, but not the defenders, the Lords do suspend the horning. Decreta 1609-10. Page 442.

Angus Williamson against Alexander Cuthbert, for suspension of horning.

Complaint by Angus Williamson of Termet that he is denounced rebel by Alexander Cuthbert, burgess of Innernes, for not finding caution in £1000 for Cuthbert's indemnity. As he has never been lawfully charged to answer, and as he had found caution as required and to pay £100 to the Treasurer for his escheat, the horning should be suspended.—Pursuer appearing by , his procurator, but the defender failing to appear, the Lords do suspend the horning. Page 443.

Decree against Thomas Borthwick for not granting warrandice.

Action by Elizabeth Baillie, sister of William Baillie of Lamyntoun, against Thomas Borthuik, son of late George Borthuik in Raschaw, as unrelaxed from a horning of 8th instant for not warranting the letter of assignation of date 4th May 1594 made by the said late George and his son to her of the right of one-half of the steading of Raschaw.—Pursuer appearing by Mark Hamiltoun, defender is to be apprehended for not appearing. Page 444.

Decree against John Peebles for debt.

Action by Henry Kelso in Flat against Johnne Peblis of Knodgerhill, as unrelaxed from a horning of 3rd November 1609 for not paying pursuer, as assignee to Mr Robert Scot, one of the ministers of the city of Glasgow, 700 merks as principal and £100 for expenses,—the assignation bearing date 30th September 1609.—Pursuer appearing by Robert Broun, decree as above against the defender. Page 445.

Decree against David Maull of Both for debt.

Action by Alexander Hog, mariner, burgess of Dundie, against David Mauld of Both, as unrelaxed from a horning of 16th February last for not paying pursuer 300 merks as principal and £30 for expenses.—Pursuer appearing, decree as above against the defender. Page 446.

Decree against Moncur of that Ilk for debt.

Action by Sir Petir Young of Seytoun against Andro Moncur of that Ilk, as unrelaxed from a horning of 8th November last for not paying pursuer £360, and another sum of £160.—Pursuer appearing, decree as above against the defender. Page 447.

William Borthwick against Andrew Thomson and others for assault and oppression.

Complaint by William Borthuik in Buteland, as follows:—On 10th instant, while he was ploughing in the town of Buteland, Andro Thomesoun in Buteland assaulted him and avowed to have his life. Again, on 12th instant, while he was ploughing on the lands of Buteland, Johnne Sandielandis, servant to James, Lord Torphechin, and son of Gawin Sandielandis of , accompanied by James Lamb, his servant, and Andro Thomesoun in Buteland, hounded out by the said , came to the complainer, when the said James Lamb "with ane grite kent" gave complainer divers strokes on the head, and the other persons wounded him with their swords, and left him for dead.—Pursuer appearing, and the said Gawin and Andro Thomesoun being also present, but the other defenders

Decreta 1609–10. Page 448.

failing to appear, the Lords find the first charge clearly proven against Andro Thomesoun and the second to be proven against Johnne Sandielandis and James Lamb. They therefore ordain the said Andro to be committed to ward in the tolbooth of Edinburgh, and the said Johnne and James to be charged to enter in ward in the said tolbooth, under pain of rebellion; but they assoilzie the said Gawin on his oath of innocence.

Sederunts 1609–16, Fol. 19, a.

The Earl of Dunbar, Treasurer, and the Lord Burley give their oaths. Dunbar and Burlie.

"Chargeis to be direct aganis the Irishe undertakaris to compeir upoun Tyisday nixt to find cautioun." Irish Plantation.

"Act anent Mr Johne Monro, minister."

Fol. 19, b.

Sederunt—Chancellor; Treasurer; Burley; President; Secretary; Advocate; Sir Johnne Arnott. Edinburgh, 28th May.

Proclamation to be made discharging ships from going to Orknay or Shetland without licence of the Council. Orkney and Shetland.

Sederunt—Chancellor; St Androis; Glasgow; Cassillis; Glencairne; Perth; Abircorne; Scone; Roxburgh; Burley; Privy Seal; Secretary; Comptroller; Collector; Advocate; Sir Peter Young; Bruntyland; Sir Johnne Arnott. Edinburgh 29th May.

The Lord of Roxburgh gives his oath. Lord Roxburgh.

Commissions. Fol. 59, a.

His Majesty having given direction that no ships, barques, or passengers repair to Orkney and Zetland till order be taken for settling the "poore distressit people thairof," it is required that "diligent attendance" be given by his Lordship (? the Earl of Caithness) at Pentland Firth and other ferries within his bounds, so as to stay the transport of passengers to Orkney and Zetland till his Majesty's will be further known. The warrant is subscribed by the Chancellor, St Androis, Cassillis, Glencairne, Perth, Glasgow, Abircorne, Roxburgh, and Scone. Warrant for staying the passage of ships to Orkney and Shetland.

Decreta 1609–10. Page 448.

Sederunt—Chancellor; Treasurer; Cassillis; Glencairne; Abircorne; Lotheane; Perth; Scone; St Androis; Roxburgh; Burlie; President; Secretary; Master of Elphinstoun; Justice Clerk; Advocate; Privy Seal; Comptroller; Kilsyth; Sir Robert Melvill; Clerk of Register; Mr George Young; Sir Petir Young; Sir Johne Arnot. Edinburgh, 31st May.

[1] There was no doubt now that the General Assembly agreed upon between the King and the Scottish Bishops, and which the Earl of Dunbar had come to Scotland to manage (*ante*, p. 467, footnote), was actually to be held. See, in Calderwood vii. 91–92, a copy of the letter, dated "Edinburgh, the 28th of May 1610," sent by Archbishop Gledstanes of St Andrews to one of the presbyteries of his province (no doubt one of his circular letters to all the presbyteries), definitely announcing the coming Assembly at Glasgow, enclosing a "note of the persons whom his Majestie has thought fittest for that worke" (*i.e.* a list of the ministers whom the Archbishop himself had selected, by his Majesty's instructions, as fittest to attend the Assembly), requesting that the Presbytery would not fail to "send a free unlimited commissioun with these brethren," and intimating that the selected persons had also privately received his Majesty's missive letters charging them to come to the Assembly.

Decree against David Ochterlony for debt.

Action by Johne Renkene, mariner in Dundie, against David Ochterlony, bailie of Abirbrothok, as unrelaxed from a horning of 1st November 1609 for not paying £190 as principal and £40 for expenses.—Pursuer appearing by Mr James Durhame, defender is to be apprehended for not appearing. Decreta 1609–10. Page 449.

Decree against Arthur Straiton for debt.

Action by Walter Jamesoun, burgess of Montrois, against Arthour Stratoun of Snawtoun, as unrelaxed from a horning of 21st October last for not paying pursuer 400 merks as principal and 100 merks for expenses. —Pursuer appearing by William Carnegy, decree as above against the defender. Page 450.

John Halliday against James Irving for hamesucken and assault.

Complaint by Johne Haliday, son of Adam Haliday in Luce, that, in September 1609, James Irwing of Cleucheheidis, accompanied by some of his servants, came early in the morning to complainer's house in Luce, where he was lying in bed, and so unmercifully attacked and wounded him that they left him for dead, and he lay bedfast for 14 weeks thereafter.—Pursuer appearing, the defender is to be denounced for not appearing. Page 451.

Decree against Sir William Callender for debt.

Action by James Dalzell, merchant, burgess of Edinburgh, against Sir William Callender of Bancloich, as unrelaxed from a horning of 29th August for not paying pursuer £120 as principal and £20 for expenses.—Pursuer appearing by Archibald Douglas, defender is to be apprehended for not appearing. Page 452.

Commission of justiciary to the Earl of Dunbar against persons killing fish on certain rivers.

His Majesty considering the "grite hurte and skaith" which this country has sustained these many years by the slaughter of kipper, blackfish, smolts, "fynnakkis and breid of salmond" in all the waters of the kingdom "be a nomber of avaritious personis," so that the rivers, which of old were "most plentyfully enricheit with sufficient store of salmond" and thus "producit grite proffeitt and commoditie to the commoun weele," are now become "fruitles and unprofitable," commission, signed by the Chancellor, Cassillis, Glencarne, Perth, Scone, and Balfour, is granted to George, Earl of Dunbar, treasurer, to put the laws made against the slaughter of the said fish to due execution against all contravening the same within the waters of Teviot, Twede, and Quhittitour, and for this effect to charge them to appear before him when and where he shall appoint, to answer for the said crime; also to apprehend persons disobeying the charge, and all persons adjacent to the said rivers who are suspected of theft and "pykrie," and to put them to the knowledge of an assize in a court of justiciary to be appointed by him. Commissions. Fol. 59, a.

Stewart and Scott.

The King's letter read, commanding order to be taken for reconciling Johnne Stewart and Walter Scott of Burnfute. Sederunts 1609–16, Fol. 20, a.

Entry of Robert Johnstone.

Alexander Watsoun, in name of Lord Forbes, enters Robert Johnnstoun in Cayesmylne before the Council, and protests that Lord Forbes shall be freed from his obligation for the appearance of said Johnnstoun this day.

Peerage of MacKenzie of Kintail.

The Lord of Kintail's patent of his creation as a baron read, and received. Acknowledged to be a free baron in time coming.

Mr Charles Ferme.

Mr Charles Ferme committed prisoner to the castle of Edinburgh.

Sederunts 1609–16.

His Majesty's letter read concerning the entertaining of soldiers in Orknay by the Earl of Orknay and his brother; and command to the Advocate and justice to do according to the direction thereof.—See Royal Letter dated 8th May. Anent the Earl of Orkney and his brothers.

The Lords ordain the Clerk of Council to append the signet to a "testimoniall desyrit by ane Gretian intreatting the bischoppis and ministeris to move the people to extend thair charitie to him." Appeal for charity.

Fol. 20, b.

Sederunt—Chancellor; Treasurer; Cassillis; Perth; Abircorne; Roxburgh; Scone; Burghlie; President; Advocate; Secretary; Justice Clerk; Comptroller; Kilsyth; Sir Robert Melvill; Sir Johnne Arnot; Sir Peter Young. Edinburgh, 1st June.

The Laird of Buchannane is ordained to be received caution for Mr Johnne Campbell, minister, for his entry on 15 days' warning, and James Fogo to be relieved of his former cautionary. Caution for Mr John Campbell.

Sederunt—Chancellor; Treasurer; Scone; Burley; President; Secretary; Privy Seal; Justice Clerk; Advocate; Sir Johnne Arnott; Mr George Young. Edinburgh, 4th June.

The Lord of Cranston's patent creating him a baron is read in presence of the Council; and he is received of them as a free baron. Peerage of Lord Cranston.

An Act anent the discharge of Presbyteries. Presbyteries.

Sederunt—Chancellor; Cassillis; Ros; Privy Seal; Justice Clerk; Clerk of Register; Advocate; Master of Elphinstoun; Sir Robert Melvill, younger; Sir Peter Young; Sir Johnne Arnott. Edinburgh, 5th June.

[No record of proceedings.]

Decreta 1609–10. Page 452.

Sederunt—Chancellor; Perth; Bishop of Ros; Privy Seal; Master of Elphinstoun; Justice Clerk; Advocate; Sir Robert Melvill, younger; Sir Johnne Arnot; Sir Peter Young. Edinburgh, 7th June.

Action by Johnne Ogilbie of Innerquhoritie and Mr Johnne Gordoun of Drumgeycht, against David Gairdyn, fiar of Leyis, as unrelaxed from a horning of 14th June 1596 for not paying them £1300 for their relief of caution for the said David, and David Gairdin, his father, for payment to Johnne Skrymgeour of Glaswell of certain sums of money, with oxen, corns, and other goods.—Pursuers appearing by Archibald Douglas, defender is to be apprehended for not appearing. Decree against Gairden of Leys for not relieving his cautioners.

Page 453.

Action by Elizabeth Stewart, Lady Newbie, and Mr Samuell Kirkpatrik, her spouse, against Sir James Murray of Cokpule, William Douglas, apparent of Cashogill, and William Douglas, apparent of Drumlangrig, as unrelaxed from hornings of 12th, 13th, 14th, and 23rd March last for not paying pursuers 3000 merks as principal, and 300 merks for expenses. Decree against Sir James Murray of Cockpool and others for debt.

Page 454.

—Kirkpatrik appearing, decree as above against the defenders.

Commission of justiciary for the trial of Christie Armstrong and certain others, accused of theft.

As Christie Armestrang, called Geordie's Christie, Armestrang called Batiesoun, and Forster, Englishman, all thieves and outlaws, have lately been taken with stolen horses by the Lord of Lowdoun and his servants, and as the "necessitie" of divers weightie affairs "concredited" to the Earl of Dunbar, lieutenant over the middle shires, will not suffer him at this time to repair to the bounds of the said office, commission, passed under the signet, is given to the said Earl, and to Sir Williame Hart, principal justice depute, conjunctly and severally, to try by assize, in a justice court in Glasgow, or where else they shall think meet, the said four malefactors, and, as they find them guilty or innocent of theft, inbringing of thieves, murder, mutilation, fire-raising, houghing of oxen, or any other crimes punishable by the laws, to minister justice on them accordingly. The commission is subscribed by the Chancellor, Sir R. Cokburne, J. Cokburne, Clerk of Register, A. Master of Elphinstoun, Sir Thomas Hammyltoun, Sir Robert Melvill. Commissions. Fol. 60, a.

Edinburgh, 12th June.

Sederunt—Chancellor; Cassillis; Privy Seal; Justice Clerk; Advocate; Master of Elphinstoun; Sir Robert Melvill, younger; Sir Peter Young; Sir Johnne Arnott; Mr George Young. Sederunts 1609-16, Fol. 21, a.

[No record of proceedings.]

Edinburgh, 19th June.

Sederunt—Chancellor; Treasurer; Bishop of Glasgow; Ergyll; Perth; Wigtoun; Bishop of Ros; Privy Seal; Secretary; Comptroller; Collector; Justice Clerk; Clerk of Register; Advocate; Kilsyith; Bruntisland; Sir Johnne Arnott; Mr George Young. Acta Feb. 1610—Oct. 1612, Fol. 10, a.

Proclamation for publication of the great success of the recent General Assembly of the Kirk at Glasgow, and for implicit acceptance by all ministers and others of the decrees of that Assembly.

"Forsamekle [as ther be none who are] ignorant of the grite harmonie and uniformitie of myndis amangis the nobilitie and faderis of the Churche, and a nomber of the most learned and best affectit of the ministeris, in thair lait meeting and Generall Assembley of the Churche of this kingdome convenit in the citie of Glasgu; [and since], with the generall applause of all thame who wer then mett togidder, thair wer divers and sindrie most worthie ordinanceis and constitutionis then establisheit and concludit for the weele of the Churche and preservatioun of goode ordour, reull, peace, and tranquillitie within the same; and his Majestie, by his Heynes speciall letter direct to the Lordis of his Majesteis Counsell, having expresslie willed and commandit thame, upoun the ending of the said Assembley, for the moir authorising of the conclusiounis of the same, by oppin proclamatioun to command and charge all his Majesteis subjectis of whatevir soirt, conditioun, or functioun, that thay do obtemper, obey, and not contradict, oppone, or impugne, ony single point or heade of these conclusionis; in consideratioun of the whiche directionis sent by his Majestie, and in regaird that by speciall act concludit in the said Assembley all ministeris and preacheouris whatsoevir ar expreslie prohibite and forbiddin ather in privat or publict to speik aganis or [impugne anie of] the con- Fol. 10, b.

Acta Feb. 1610— Oct. 1612.

clusionis maid at that meeting under the pane [of deprivation: therefore the saidis] Lordis of his Majesteis Prevey Counsale ordanis publicatioun to be maid, be oppin proclamatioun at the mercatt croce of Edinburgh and all utheris placeis neidfull, and in his Majesteis name and authoritie, expreslie to inhibite all his Majesteis subjects whatsoevir, bot speciallie all teicheing or preicheing ministeris and lecturing reidaris within this kingdome, that none of thame presome or tak upoun hand, ather in thair sermonis publictlie or in privat conferenceis, to impugne, deprave, contradict, condemne, or utter thair disallowance and dislyke of, ony point, or article of those most grave and wyse conclusionis of that Assembley, endit with suche harmonie, as thay will answer to the contrary at thair heichest perrell and charge: commanding heirby all schireffis, steuartis, bailiffis and thair deputyis, all provestis and baylliffis of burrowis, and all utheris officiaris and magistratis whatsomevir within this kingdome, that, yff thay do heir or undirstand of ony breache of this present commandiment by ony preacheour, minister, or lecturing reidair, or other subject whatsoevir, that they faill not presentlie to commit the trespassouris in this kind in some pressone or warde untill suche tyme as, thay having advertissit the Lordis of Counsell of the same, thay sall haif their ansuer returnit what forder salbe done by thame. And, whair ony magistrat salbe fundin and tryed to haif bene unwilling, remisse, or sleuthfull in the executioun of this present directioun, it is declairit that thair negligence and connivence at ony suche fault sall mak thame als culpable heirof as the principall offendoure, and they salbe accordinglie with all rigour and severitye punissit. And heirwith all other subjectis of whatsoevir qualitye, beiring no office or charge of magistracye, and so wanting power to apprehend and committ the delinquent, ar nottheless expreslie commandit that, upoun their heiring of ony one transgressing this present commandiment, that thay do certifie the nixt magistrat or some one of his Majesteis Prevy Counsaill of the same; uthirwayes thay salbe haldin [reputed], accompted, and haldin [? esteemit] as guyltie of the same offens, and salbe punissit as principall transgressouris in this kynd"[1]

[1] As this Act intimates, the General Assembly which the Earl of Dunbar had come to Scotland to superintend, and which had been called at a fortnight's notice (*ante*, p. 469, footnote) was now past and over:—It had met at Glasgow on Friday the 8th of June, under the presidency of the Earl of Dunbar, Archbishop Gledstanes of St Andrews, Lord President Preston, and Secretary Sir Alexander Hay, as conjoint commissioners for the King. His Majesty's letter, as read by the Earl of Dunbar, was to the effect that, though for a good many years, dating even from the time before his departure from Scotland, he had perseveringly laboured to found the government of Bishops in the Scottish Church and put down Presbyterian anarchy, there were still some hindrances to the perfection of that work, and that, though there was no absolute necessity for holding this Assembly for the removal of these, inasmuch as his own royal power would have been sufficient without any consent of the clergy, yet he had called the Assembly out of grace and in the interests of peace and concord. There were in all 172 members present, as follows:—*Lay-Members by the King's appointment* 34, of whom 14 were Earls, Lords, or other representatives of the nobility, 13 were Lairds or Lesser Barons, and 7 were representatives of Burghs; *Clerical Members* 138, among whom were all the Bishops, except David Lindsay, Bishop of Ross, then an invalid (viz. Archbishops Gledstanes and Spotswood, Bishop Peter Blackburn of Aberdeen, Bishop Andrew Lamb of Brechin, Bishop Alexander

Campbell of Lundy to answer for the Earl of Argyle's men during the Earl's absence from the kingdom.

Archibald, Earl of Ergyle, appears before the Council, and, as he is to go out of the country, and is desired to nominate some one of his kin to have the charge of his estates and to answer for the good rule of his men

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Forbes of Caithness, Bishop George Grahame of Dunblane, Bishop Alexander Lindsay of Dunkeld, Bishop Alexander Douglas of Moray, Bishop James Law of Orkney, Bishop John Campbell of Argyle, Bishop Gavin Hamilton of Galloway, and Bishop Andrew Knox of the Isles), while the rest, though in form delegates from the various Presbyteries were in reality nominees of the King, through the Bishops, or through the two Archbishops, in the manner described in a previous footnote (p. 469). According to Calderwood, who gives a complete list of the members (vii. 104–107), a considerable number of the clerical members were ministers from the Orkneys, Caithness, Sutherland, and other parts of the extreme north, "who had never before seene the face of a Generall Assemblie." Archbishop Spotswood was chosen Moderator by an overwhelming majority, only five voting for the minister who was put in competition with him. There were sermons by Spotswood, Bishop Law of Orkney, and the English divines whom the Earl of Dunbar had brought in his train, all expressly or indirectly inculcating the lawfulness, expediency, and necessity of the Episcopal form of Church Government, though stopping short of the High Church doctrine of the *jus divinum* and the apostolical succession. There was the most dexterous management of the business, and of the order of the business, by the Earl of Dunbar, assisted by Spotswood and the other Bishops,—more especially by a plan of referring disputed matters to amicable private conferences of selected members, and so quashing or smoothing down the very small element of strictly Presbyterian opinion of the old stamp that the Assembly did contain. The result was that, when the Assembly rose on Monday the 11th June, after having sat for only three days, there had been passed a number of Acts doing more towards the uprooting of the last relics of the Presbyterian system in Scotland, and the recognition of the King's Episcopal system instead, than had been imagined possible even in that carefully prearranged convention. For a list of the chief Acts see Spotswood's own *History* pp. 512–513; and, for a more complete account of the proceedings see Calderwood vii. 94–103. Among the Acts we may note these:—(1) Acknowledgment of the right of calling General Assemblies of the Kirk, and of appointing the times for such, as belonging wholly to his Majesty's prerogative, with condemnation of the attempted Aberdeen Assembly of 1605, though also with humble request to his Majesty to permit regular General Assemblies at stated intervals in future; (2) Conversion of what had hitherto been the half-yearly Provincial Synods into Diocesan Synods, with the Bishops as moderators *ex officio*; (3) All sentences of excommunication or absolution from the same to be ratified by the Bishop of the Diocese; (4) All presentations to vacant livings to be directed henceforth by the patrons to the Bishop of the Diocese, and the Bishop to supervise and order the trial of the fitness of all persons so presented by patrons, or applying for admission to the ministry; (5) The Bishop also to preside in trials for deposition of ministers; (6) All ministers on their admission to livings to take an oath acknowledging the King as "the only lawful supreme governor of this realm, as well in things temporal as in conservation and purgation of religion," and to do homage to his Majesty for their said livings; (7) The visitation of each diocese and right of inquiry into the conduct of ministers in it to belong to the Bishop of the Diocese or his deputy.—In the language of these and other Acts, and in the discussions in the Assembly throughout, it was observed that the word *Presbytery* was carefully avoided, as if with the express purpose of signifying that it was a word "odious to his Majestie" and had better be disused. Indeed, the Earl of Dunbar had produced in the Assembly the draft of a royal proclamation abolishing the church courts heretofore known as Presbyteries and forbidding all meetings under that name; and, though, on earnest remonstrances, he consented to keep back the proclamation till it should be reconsidered by his Majesty, the mere production of such a document had all the effect necessary in the meantime. The bare name of *Presbytery* had been left still legal—"which for the present may please, but in a little time shall evanish," as Spotswood had expressed it in a letter to his Majesty some time before; but even the use of the name had been discouraged, and people had been recommended, by the example of the Assembly itself, not to speak of any cluster of parishes any longer as a *Presbytery*, but to call the ministers of that cluster of parishes merely the brethren within such and such bounds. All in all, perhaps there is no stronger testimony to the extreme historical importance of the Glasgow General Assembly

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during his absence, nominates Coline Campbell of Lundye, his brother, and promises to be answerable to his Majestie for the dutiful carriage of his said brother in the said office. The said Coline, being also present, undertakes the said charge, and promises to be answerable for the country of Ergyll till the said Earl's return.—Sir Duncane Campbell of Glenurquhy, being likewise present, promises that all his men dwelling in Ergyll shall concur with the Laird of Lundy no less than the rest of the countrymen of Ergyll; and the Lairds of Caddell, Auchinbek, and Lawers, who are also present, promise the like concurrence.

Fol. 11, a.

Order to the magistrates of Edinburgh to provide their robes.

The Lords ordain the provost, bailies, treasurer, and dean of guild of Edinburgh, and such as have filled the said offices, to provide themselves

of June 1610 than this tacit effort of the Assembly to erase the word "Presbytery" from the Scottish vocabulary.—In fact, when the decrees of that Assembly are added to all that had been already accomplished in the way of converting the Church of Scotland into an Episcopal establishment, including the recent importation into Scotland of Courts of High Commission like those of England (*ante*, pp. 417–420), it will be seen that in June 1610 King James's long-cherished design for revolutionising the church polity of Scotland had all but attained the stage of final triumph. Something indeed yet remained to be done. In the first place, the rule in Scotland still was that the Bishops should work in consultation with the clergy of their dioceses; in the second place, one of the Acts of this very Assembly of June 1610 was,—"The Bishops sall be subject in all things concerning their life, conversatioun, office, and benefice to the censure of the General Assembly, and, being found culpable, with his Majesties advice and consent, to be deprived"; and, in the third place, nothing yet had been openly heard in Scotland of the *jus divinum* of Episcopacy, of the necessity of a re-consecration of the Scottish Bishops so as to recover the lost Apostolical succession, or of conformity to the Anglican system of church ritual. These further advances were to be made or attempted in time; but, meanwhile, for the King and the friends of Episcopacy the Assembly of 1610 had been a splendid success. It was the overthrow of Scottish Presbytery at last, name and thing together. That it was so regarded is attested by the present ordinance of the Privy Council; which indeed only puts the stamp of the civil authority upon what had been the final Act of the Assembly itself. That Act had run in these terms:—"Becaus it is uncivill that lawes and constitutiounes, ather civill or ecclestiasticall, being once established and in force by publict and opin consent, sould be controlled or called in questioun by anie persoun, therefore it is statuted, by uniforme consent of this whole Assemblie, that none of the ministrie, ather in pulpit in his preaching or in the publict exercise, speeke or reasoun against the Acts of this present Assemblie, nor disobey the samine, under the paine of deprivation, being tryed and convicted therof; and speciallie the questioun of equality and inequalitie in the Kirk be not treated in the pulpit, under the said paine; and that everie ane of the commissioners present intimat this Act in the first meeting at their exercise."—A question of some curiosity is how much money the Earl of Dunbar spent in the Glasgow Assembly and how it went. Spotswood admits that a sum of about £5000 Scots was distributed by the Earl's servants among the numbers present, adding "Certain of the discontented sect did interpret it to be a sort of corruption, giving out that this was done for obtaining the ministers' voices, howbeit the debt was known to be just and that no mention was made of that business before the foresaid conclusions were enacted." What Spotswood means is that those fifty ministers or thereabouts who had been appointed constant moderators of presbyteries by the Linlithgow Convention of 1606, and promised £100 a year for their services in that capacity, had never been paid their salaries, and that the opportunity was now taken of settling that account with such of them as had come to Glasgow. The Presbyterian Calderwood is naturally more sarcastic in his notice of this money-transaction. He makes merry over the case of one country minister who got nothing because he had not voted the right way, and over that of another who, coming too late, when all had been spent but about £10, was put off with that; and he intimates also that, in addition to the distribution of money in payment of arrears due for the constant moderatorships, there were travelling expenses and hospitalities for the ministers from a distance, with promises here and there of augmentation of stipends, and of future preferments.

with gowns and robes by Michaelmas next, conform to the proclamation made thereanent. Intimation hereof is made to Sir Johnne Arnott, provost of Edinburgh. Acta Feb. 1610—Oct. 1612.

Commission of justiciary against William Clerk, rebel.

As William Clerk, younger, sometime in Aulderne, remains unrelaxed from a horning of 10th May last, at the instance of David Wilsoun in Aulderne, for not finding caution to underlie justice for coming at night with his accomplices to the said David's house in Aulderne, and stealing furth thereof £1000, with the whole insight and plenishing, worth 500 merks, commission, passed under the signet, and signed by the Chancellor, Dumbar, Ergyll, Wigtoun, Lotheane, and Alexander Hay, is granted to the sheriffs of Narne and Murray, Mr Samuell Falcouner of Quhitmyre, bailie of the earldom of Murray, and John Dumbar of Moynes, to apprehend the said rebel, try him by assize, and minister justice on him. Commissions. Fol. 61, a.

Anent John Hamilton.

"Ane commissioun past to the Erll of Abircorne and his deputis to tak the Weiris, rebellis and at the horne for the slauchter of Johnne Hammiltoun." Sederunts 1609–16. Fol. 21, b.

John Gordon.

"Ane warrand past to deleit Johnne Gordoun of Awachyis act and to ressave Pitlurg cautionair of new for him."

Decree against Crichton of Cluny and two others for debt.

Action by Sir William Grahame of Braco, and dame Margaret Keyth, his spouse, against Sir Robert Creichtonn of Cluny, as principal, and Harrie Creichtoun of Over Benchill, and Abrahame Creichtoun, portioner of Banchrie (? Benchell), as sureties, for remaining unrelaxed from a horning of 3rd July last for not paying pursuer 3200 merks as principal and 600 merks for expenses.—Pursuers appearing by Mr Thomas Rollok, defenders are to be apprehended for not appearing. Decreta 1609-10. Page 454. Page 455.

Decree against David Maull of Boith for debt.

Action by Alexander Hendirsoun, servitor to Mr James Skene, one of the ordinary clerks of the college of justice, against David Maull of Boith, as unrelaxed from a horning of 16th April last for not paying pursuer 200 merks as principal and 50 merks for expenses.—Pursuer appearing by Archibald Douglas, decree as above against defender.

To denounce Dumbar of Conzie and others for not appearing in order to the removal of a feud.

As there is "verie grite haitrent" between Patrik Dumbar of Conzie, Alexander Dumbar of Culboyaik, his son and apparent heir, Johnne, William, Adam, Mr Patrik, and Robert Dumbaris, also his sons, Alexander Dumbar of Lochhillis, William Dumbar of Hemprigis, Johnne, James, Niniane, and Robert Dumbaris, his sons, James Dumbar, son of Gawin Dumbar, Archdeacon of Murray, and Alexander Innes of Kirkhill, on the one part, and James Adamsoun, son of George Adamsoun of Braco, and Alexander Thane, sometime servitor to the said James, on the other part, and as they have drawn most of the gentlemen of the country where they reside "in factionis and in privat grudgeing," charge had been given to the said Dumbars to appear before the Council this day in order to the removal of the feud.—None of them appearing, the order is to denounce them rebels. Page 456. Page 457.

Decree against William Carmichael for debt.

Action by James Speir, slater in Leith, against William Carmichaell, burgess of Dysert, as unrelaxed from a horning of 24th March 1609 for

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not paying pursuer £148 as principal and £30 for expenses.—Pursuer appearing personally, defender is to be denounced for not appearing.

Suspension of the horning obtained against Meldrum of Badinscot by the presbytery of Turriff for nonconformity in religion.

Complaint by William Meldrum of Badinscot, as follows:—He is put to the horn at the instance of the presbytery of Turreff for not answering before the Council for his remaining under sentence of excommunication pronounced against him by the ministers of the said presbytery for alleged non-conformity in religion. Now, in April last, Mr Robert Maitland, minister at the kirk of Auchtorles, and one of the brethren of the said presbytery, by warrant of the Synodal Assembly of Abirdene and the presbytery of Turreff, absolved the complainer from the "feirfull sentence of excommunicatioun"; and, upon his "repentance and satisfactioun," he was "ressavit agane in fellowschip of the faithfull, and bosome of Christis Kirk, fra which he wes cassin by occasioun of the said sentence," as a certificate signed by Petir, Bishop of Abirdene, and the said Mr Robert, bears. Therefore, and because he had found caution in 500 merks to answer before the Council on 14th June and to pay £20 to the Treasurer for his escheat, the said horning should be suspended.—Charge had been given to Mr George Hay, parson of Turreff, and moderator of the presbytery thereof, and to Mr Robert Maitland, commissioner for the said

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presbytery, to answer; and now, pursuer appearing, but none of the defenders, the Lords do suspend the said horning.

Decree against George Gairden for debt.

Action by Mr Thomas Rollok, advocate, against George Gairdin in Innerkething, and Mungo Hendirsoun, burgess of Edinburgh, as unrelaxed from hornings of 1st July 1605 and 5th December 1608 for not paying pursuer £100 as principal and £40 for expenses.—Charge had been given to Gairdin to answer; and now, pursuer appearing, defender is to be

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apprehended for not appearing.

Robert Colthherd against Robert Scott for mutilation.

Complaint by Robert Colthird, servitor to Adam Schore, writer, that, notwithstanding the Act of Council against assaults in the town of Edinburgh or within a mile of the Lords' residence, yet on 8th instant, while complainer was walking to and fro between the Council and the prison-house doors, Robert Scot, messenger, fiercely set on him and with drawn dagger mutilated him of his right hand, and "hes maid him altogidder unable to wreat and wone his leving with his hand."—Pursuer appearing,

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but not the defender, the Lords find the complaint clearly proven, and ordain the defender to be charged to enter in ward in the tolbooth of Edinburgh, under pain of rebellion.

The magistrates of Aberdeen against Joseph Keith and two others for assaulting a bailie and raising a tumult in the burgh.

Complaint by the provost and bailies of the burgh of Abirdene, as follows:—On 9th March last, Joseph Keith in Athelcair having been charged by Mr David Rutherfurde, one of the bailies of the said burgh, to find caution to William Fiddes, stabler there, for payment of certain debts, or else to enter in ward in the tolbooth of the said burgh, and the said Joseph having disobeyed, Rutherfurde was carrying him to the tolbooth, when, at the tolbooth door, Keith drew out his sword and pursued the said bailie for his life. At that same time Mr Samuell Keith, brother of the said Joseph, and Robert Keith, son of the late George

Keith in Kindrocht, came to the said door with drawn swords, and invaded the said bailie and such of the inhabitants of the burgh as came to relieve him, thereby making "grite trouble" in the burgh, which continued for two hours.—The provost of Aberdene appearing, but none of the defenders, the Lords find the complaint clearly proven, and ordain charge to be given to the defenders to enter in ward in the tolbooth of Edinburgh, under pain of rebellion. Decreta 1609–10. Page 462.

John Stewart, son of the late Earl Bothwell, and Walter Scott of Burnfoot.

The diet appointed to Johnne Stewart, son of Frances, sometime Earl of Boithwell, and Waltir Scot of Burnefute, to answer before the Council for keeping the peace, is continued till the first Council day after Martinmas next.

Edinburgh, 21st June.

Sederunt—Bishop of Glasgow; Cassillis; Perth; Bishop of Ros; Blantyre; President; Privy Seal; Secretary; Comptroller; Justice Clerk; Clerk of Register; Advocate; Master of Elphingstoun; Kilsyth; Bruntiland; Sir Petir Young; Sir Johnne Arnot; Mr George Young.

Lord Elphinstone against the Earl of Caithness.

Complaint by Alexander, Lord Elphingstoun, that, William Bannatyne of Gairsay having been committed to ward in the tolbooth of Edinburgh, there to remain till he had paid to complainer a certain debt, George, Earl of Caithnes, in April 1608, procured the release of the said Bannatyne without complainer's knowledge, on condition that between 3rd April 1608 and 15th May thereafter he should either pay to the complainer the said sum or re-enter in his said ward. Neither of the said conditions having been fulfilled, the said Earl should be declared debtor to the complainer for the said sum.—Pursuer appearing by Mr Alexander Elphingstoun, and the Earl of Caithnes being also present, the Lords, with the consent of the Earl, assign him the first Council day of November next for the entry before them of the said debtor. Page 478.

Decree against Simon Grahame for debt.

Action by Waltir Twedy, brother of the Laird of Drummelyair, against Symone Grahame, son of the late Johnne Grahame, merchant, burgess of Edinburgh, as unrelaxed from a horning of 20th February last for not paying £130 as principal and £20 for expenses.—Pursuer appearing, defender is to be apprehended for not appearing. Page 462. Page 463.

Protest in favour of Weir of Stanebyres.

George Weir of Stanebyris appears, and gives in a copy of the letters raised by Richard Broun of Cultermains and William Lamb in Lie, charging him to answer before the Council this day for his alleged hounding out of certain persons against Lamb, and reiving from him the King's letters commanding Weir to appear before the Lords to see a contract registered against him, as heir of tailzie to the late William Weir of Stanebyres, his brother. Neither Broun nor Lamb appearing, Weir protests that he shall not be held to answer farther till again warned; and the Lords admit the protest. Page 464.

Decree against Crichton of Cluny for debt.

Action by Andro Kynnaird, merchant, burgess of Dundie, against Sir Robert Creichtoun of Cluny, as unrelaxed from hornings of 11th and 12th

Decreta 1609–10.

May last for not paying pursuer 6450 merks as principal, and £600 for expenses.—Pursuer appearing personally, defender is to be apprehended for not appearing.

Decree against Oliver Anderson for debt.

Page 465. Action by Johnne Dune, merchant, burgess of Perth, against Oliver Andirsoun, burgess there, as unrelaxed from a horning of 8th May last for not paying pursuer, as assignee to Herculus Dune, merchant in Danskene, 63 guidlings, "everie guidling extending to threttie gros usuall money of Spruce or Pole," or else 18d. Scots for each gross of the same, and also for not paying him £10 for expenses of plea and 40s. for the Lords' collectors. —Pursuer appearing by Bessie Miller, his spouse, decree as above against the defender.

Decree against Lord Herries for debt.

Page 466. Action by Andro, Bishop of Brechin, against Johnne, Lord Hereis, as unrelaxed from hornings of 25th and 27th December last for not paying him £1155 as principal and £100 for expenses.—Pursuer appearing by Archibald Douglas, decree as above against defender.

Murdo Dellanoch against Rory John Williamson for wrongous imprisonment and violence.

Page 467. Complaint by Murdo Dellanoch, servitor to Donnald M'Ky, apparent of Far, and the said Donald as his master, as follows:—On 21st November, Rorie Johnne Williamsoun in Armedill in Straitnaver, forgathering with the said Murdo at Armedill, put violent hands on him, took him captive to his house in Armedill, and there detained him, bound hand and foot with cords and "wyddies," for eight days; after which he "barbarouslie and inhumanelie tirrit him naiked as he wes borne, and set him to the fieldis, compellit him to ryn sex myllis naiked, and exposed his naiked body to the dangeir and injurie of the cauld and stormy weddir."—M'Ky appearing, defender is to be denounced for not appearing.

Decree against John Erskine for debt.

Action by George Petrie, burgess of Montrois, against Johnne Erskin, burgess of Culrois, as unrelaxed from a horning of 22nd December last for not paying pursuer 487 merks 4s. as principal, and 100 merks for expenses.—Pursuer appearing personally, defender is to be apprehended for not appearing.

Decree against George Douglas for debt.

Page 468. Action by Mr Johnne Dicksoun in the Cannogait against George Douglas, younger, of Langnudrie, as unrelaxed from a horning of 14th April last for not paying pursuer 80 merks as principal, and 10 merks for expenses.—Pursuer appearing by William Johnnstoun, decree as above against defender.

Case of John Mortimer against Irvine of Drum and others adjourned.

Page 469. The Lords continue till the first Council day of May next the letters raised by Johnne Mortymer, called Johnne the Baron, against Alexander Irwing of Drum, Mr Robert Irwing of Moncoffer, and the King's Advocate for his Majesty's interest, anent the suspension of the letters of horning raised by them against him for his alleged assault on the said Mr Robert while he was executing his Majesty's commission for apprehending of certain rebels, and touching Mortymer's searching for Alexander and Robert Irwings, sons of the Laird of Drum, in the grammar school of Abirdene, for their slaughter.

Commissions. Fol. 62, a.

As the King and Council are informed that there is an English pirate

Edinburgh, 27th June 1610. Commission to the magistrates of Ayr to fit out a ship for the apprehension of a certain pirate who is preying on Scottish traders between Scotland and Ireland.

on the coast of Yreland opposite Scotland, who of late has pursued sundry vessels belonging to the inhabitants of the burgh of Air and others in the West, spuilyied them of their whole goods, and "wounded to the deid" a number of the crews, so that many "honnest and welthy treadairis" and others who were bound for the "Yresche plantatioun," are "wrakit and undone," and as the said pirate still remains on the said coast, waiting to take advantage of Scotsmen repairing to Yreland or the Isles, commission is given to the provost and bailies of Air to send out a ship to sea, well armed, for taking the said pirate and his crew, and entering them before the Privy Council. The ship and her goods are to remain with the magistrates of Air till direction be given by the Privy Council how persons of the said burgh harmed by the pirate may get redress out of the goods in the said ship. The commission is signed by the Chancellor, Dumbar, Wigtoun, Sir R. Cokburne, John Prestoun, Alexander Hay, Sir T. Hammiltoun, and the Laird of Kilsyth. Commissions Fol. 62, a.

Edinburgh, 28th June 1610.

Sederunt—Chancellor; Treasurer; Bishop of St Androis; Cassillis; Glencairne; Wigtoun; Perth; Lotheane; Bishop of Ros; Scone; Master of Elphinstoun; Privy Seal; Secretary; Comptroller; Collector; Justice Clerk; Clerk of Register; Advocate; Kilsyith; Brintyland; Sir Johnne Arnott; Mr George Young. Acta Feb. 1610—Oct. 1612, Fol. 11, a.

Against reset of malefactors by the northern lairds.

As the chief cause of the frequent stouths, reifs, murders, and slaughters committed within the bounds of Caithness, Suthirland, Strathnaver, and Ros is reset given to the authors of the said crimes by the noblemen, barons, and gentlemen within the said bounds,—"sua that not onlie ar thay encourageit to insist in thair wickednes and evill deidis, in so far as, quhan thay committ ony villannyes in one of the saidis cuntreyis, thay ar sure of ressett, protectioun, and mantenance in the nychtbour cuntrey, but with that his Majesteis poore subjectis sustaning harme and skaith of thame ar prejudgeit alswele of redres of thair wrangis as of the executioun of his Majesteis lawis,"—the Lords ordain letters to be directed charging Symon, Lord Frasair of Lovatt, Kenneth, Lord Kintaill, Alexander, Earl of Suthirland, Johnne Grant of Freuchye, Monro of Foullis and his tutors and curators if he has any, M°Intoshe of Dunnauchtane and his tutors and curators, and George Ros of Balnagowne, to find caution within 15 days after the charge, under pain of rebellion, not to reset within their bounds any notorious thieves, reivers, fugitives and rebels for theft and murder, under the pains following:—the first four each in 5000 merks, and the other three in 3000 merks each. Fol. 11, b.

The Isles.

Act anent the Islesmen. Sederunts. Fol. 22, a.

Commission to the provost and bailies of Edinburgh to fit out ships for the apprehension of pirates.

As certain pirate ships, which have been lying on the coasts these divers weeks, and have committed sundry piracies, as well on the lieges as on strangers, have now withdrawn to Orknay for repairs and victuals, intending to go back to the seas, commission is given to the provost and Commissions. Fol. 62, a.

Commissions. bailies of Edinburgh to send out three ships well armed for the pursuit and apprehension of the said pirates; and the pirate ships and goods therein are disponed to the captains, crews, and "outreddaris" of the ships to be sent out by the said magistrates, for their expenses, pains, and hazard of their persons. The commission is subscribed by the Chancellor, Dunbar, Glencarne, St Androis, Cassillis, Perth, John Prestoun, Cokburne, R. Cokburne, and Sir T. Hammiltoun.

Decreta 1609–10. Page 469. Action by James Moffet, "merchant trafficquair in the cuntrey of Poill," against Alexander Ros, tailor in Perth, as unrelaxed from a horning of 18th instant for not paying pursuer 70 goodlings or else an equivalent of £140 Scots, conform to a decree of the Council and Session of 6th March last. Decree against Alexander Ross for debt.

Page 470. —Pursuer appearing by Archibald Douglas, defender is to be apprehended for not appearing.

Action by Thomas Gourlay, son and heir of late Thomas Gourlay, sometime portioner of Wester Liff, and Margaret Rollok, his spouse, against Sir Johnne Wischert, now of Pittarro, as unrelaxed from a horning of 22nd January last for not redeeming from them an annualrent of 200 merks by payment of 2000 merks with the byrun annuals thereof.—Pursuers appearing by Thomas Sibbald, decree as above against the defender. Decree against Sir John Wishart for debt.

Page 471. Action by Mathew Hairstanes, page to the Queen, against Sir Alexander Kirkpatrik of Kirkmichaell, as unrelaxed from a horning of 5th December 1608 for not paying pursuer 2200 merks.—Pursuer appearing by Robert Broun, decree as above against the defender. Decree against Sir Alexander Kirkpatrick for debt.

Action by Mr Johnne Hay, clerk-depute of Edinburgh, and Hew Dumbar, writer there, against the following, as unrelaxed from a horning of 9th February last, viz.:—Johnne Symountoun of that Ilk, William Craufurd of Camlarg, and Hew Craufurd of Barquharry, elder, as cautioners for Andro, Lord Steuart of Uchiltrie, for not paying Hay 2724 merks as principal, with 500 merks for expenses; Johnne Campbell of Kingancleuch as principal, and James Boswell of Auchinlek as surety, for not Page 472. paying Dumbar £459 as principal, and £100 for expenses.—Charge had been given to William Craufurd, Hew Craufurd, and James Boiswell to answer; and now, pursuers appearing by Archibald Douglas, there is decree as above against the defenders. Decree against Crawford of Camlarg and two others for debt.

Action by William Douglas, fiar of Caschogill, against Gressell Monzeis in Erischemortoun, William Douglas in Reidhous, Mr Johnne Douglas in Thornihill, Archibald Hoippilland in Drumcork, Petir Douglas there, Johnne Douglas in Cassiltoun, and William Walker in Longmyre, as unrelaxed from a horning of 28th April last for not flitting from the lands mentioned in a decree of the Lords of Council and Session on 6th February Page 473. last.—Charge had been given to said William Douglas in Reidhous and William Walker in Laugmyre to answer; and now, pursuer appearing personally, there is decree as above against the defenders. Decree against William Douglas and William Walker for non-fulfilment of obligation.

Complaint by James Maitland, Andro Neill, and Johnne Espie, servitors to James Johnnstoun of Thornik, and by him as their master, as follows:—

LONDON PUBLIC LIBRARIES CENTRAL

To denounce Grahame of Langboddum for deforcement.

On 20th April 1609, Maitland having executed a precept at the instance of his said master against James Grahame of Langboddum for removing him from the lands of , belonging to Johnnstoun, Grahame and his sons fiercely set upon Maitland, and the said Neill, one of his witnesses, and wounded them to the peril of their lives. Again, on 14th April last, while the said Johnne Espie was using another precept at the instance of his said master against Grahame, he also was wounded by the said persons with swords and staves.—Espie appearing for himself and the other pursuers, Grahame is to be denounced for not appearing. Decreta 1609–10. Page 474.

Decree against Alexander Moffat for debt.

Action by Johne M^cAdam, merchant, burgess of Edinburgh, and Barbara Geichane, his spouse, against Alexander Moffat of Davidschaw, as unrelaxed from a horning of 28th February last for not paying them £152 as principal and £12 for expenses.—Pursuers appearing by Archibald Douglas, defender is to be apprehended for non-appearance. Page 475.

James Sempill and Ezekiel Montgomery against John Fleming for suspension of horning.

Complaint by James Semple and Ezetchiell Montgomerie, servitors to Hew, Lord Semple, that they are charged to enter in ward in the tolbooth of Edinburgh, under pain of rebellion, for not answering before the Council touching their alleged binding of Johnne Flemying in Ardochrig hand and foot, and detaining him as prisoner in the place of Glasfurd. As they have never been lawfully charged, and as they found caution, each in 500 merks, to answer this day, the said horning should be suspended.—Pursuers appearing, but not the defender, the Lords do suspend the horning. Page 476.

Decree against the Earl of Crawford for debt.

Action by Petir Sandirsoun, tailor, burgess of Edinburgh, against David, Earl of Craufurd, as unrelaxed from hornings of 8th and 11th May last for not paying pursuer 8000 merks as principal, with the byrun annuals and expenses thereof.—Pursuer appearing personally, the defender is to be apprehended for not appearing.

Decree against John Inglis and Thomas Houston for debt.

Action by Gilbert Gray, son of the late Patrik, Lord Gray, against Thomas Inglis, elder, portioner of Old Listoun, and Johnne Houstoun of Over Lany, as unrelaxed from a horning of 6th instant for not paying pursuer 1000 merks as principal, and 200 merks for expenses.—Pursuer appearing by Elizabeth Gib, his spouse, decree as above against the defenders. Page 477.

James Williamson against James Grahame and son for hame-sucken and carrying fire-arms.

Complaint by Sir Thomas Hammiltoun of Bynnie for his Majesty's interest, and by James Williamsoun in Mekillgill, that, on 13th instant, James Grahame of Langboddum, and Robert Grahame, his son, with others, all armed with hagbuts and pistolets and other weapons, came to the complainer's house in Medillgill, and, missing himself, assaulted his spouse, broke her back, pulled her clothes off her, and burnt them in the fire.—Complainer appearing, but not the defenders, the Lords find the complaint proven, and ordain charge to be given to the defenders to enter in ward in the tolbooth of Edinburgh. Page 478.

ROYAL AND OTHER LETTERS.

A.D. 1607–1610.

ROYAL AND OTHER LETTERS.

Royal Letters, 1604–1612. Page 100.

Whitehall, 2nd November 1607.

Letter from his Majesty to the Council for the trial of John Forbes, sued for slaughter.

"Richt trustie and weilbelovit cosines and counsellouris, we grete you weile:—We have hard of the apprehensioun of Johnne Forbes, bruther to Corsindae, and that he is presentlie lying in prisone within the tolbuith of Edinburgh for having committed slaughter, with mony otheris ryottis and insolencyis within these two yearis past. And, thairfoir, that the lenitie or forbearing to inflict punishement upoun one of his birth and qualitie sould not move a scandall that oure justice thair wer not indifferent to all alyke, bot that the regaird of menis freindis and intercessouris procured oftentymes the guiltie to eschaip unpunished, it is oure pleasour and will that you do heirin proceid in trying of the said Johnne Forbes upoun those crymes and offenssis quhairof he is to be accused, according to justice and the warrand of the lawis of that oure kingdome, and, as he sall try outher guiltie or innocent, that you proceid outher in punisheing or releving of him accordinglie. Wherof noway doubting bot you wilbe most cairfull, it being a speciall point of that our truste and charge committit unto you, we bid you fairwele.—To oure richt trustie," &c.—See vol. vii., by Index under "Forbes," and *ante*, p. 2.

Page 98.

Edinburgh, 5th November 1607.

Letter from the Council to the Lord of Scone, urging his diligence for the arrest of the Earl of Crawford and the Laird of Edzell, and remonstrating with him generally on the idleness of his Guard and his neglect of duty.

"After oure verie hairtlie commendationis to your goode Lordship:—We haif this day ressavit a letter frome his Majestie quhairin his Heynes hes verie hardlie layed to oure charge oure cairlesnes and neglect of oure dewyteis in ouerseeing the Erll of Craufurde and Laird of Edzell [see vol. vii. pp. 541–2] to haif suche ane frequent and publict resorte and ressett in all pairtis within controlment, as be his Majesteis letter, whiche you sall heirwith ressave, may appeir. Your Lordship rememberis how instantlie we haif oftymes delt with you that your company of horsmen, whiche to his Majesteis greate chargeis is intertenyit, and in effect lyis idyll, micht be imployed in this same service, and that thir rebellis aganis whome his Majestie hes so just caus of offence micht be persewit and huntit in all pairtis of the cuntrey. Wherin yf your company had done thair dewyteis and that cairfullie and effectuallie thay had awaitit upoun that service, his Majestie had not bene so far contempnit be thir rebellis, nather wald his Heynes so hardlie have censurit us. Alwayes, seeing we wilbe laith to undirly this censure, bot ar resolved to gif his Majestie satisfactioun for oure pairtis, and to latt his Heynes know both the directionis we gif in his Majesteis service and the executioun that followit thairupoun, we will

agane requeist and desire your Lordship effectuuslie to direct your haill company to the pairtis of Angus, gevand unto thame strait charge and directioun to persew the saidis personis and thair compliceis, and nevir to leave the persute of thame quhill they be outher apprehendit or constrayned to leave the cuntrey. This company of horsmen wes onlie lifted for the executioun of suche directionis; and this Table can not eshew the imputatioun of greate ouersyght yf idillie and unnecessarlie they salbe intertenyit and haldin upoun his Majesteis chargeis. And thairfore we recommend unto your Lordshipis consideratioun how fer this may tuitche your Lordship, and quhat just occasioun of offence his Majestie may consave yf unproffitablie his money be spent upoun that company. The Erll of Dunbar had lykewayes complenit of the strait usage of Sir Williame Cranstoun in withholding fra him of the wageis allowit to him and his company [see *ante*, pp. 15, 16], as be the said Erllis letter your Lordship may persave. This is a mater whiche lykwayes tuicheis his Majesteis service; for your Lordship knowis that this gentilman and his company ar daylie imployed in service and verie deutifullie dischargeis thameselffis everie way. And thairfoir we requeist your Lordship to tak present ordour as the gentilman may be compleitlie payit of biganis and haif no caus of complaint heirefter, and that his Majesteis service throw default of payment be not neglectit. As alsua, becaus at all Counsell dayis sindrie thingis occurris whilkis requires your Lordshipis presence, we requeist you to keepe the Counsell dayis moir frequentlie heirefter. And sua we committ you to God.—A. Cancellarius, Mairshaell, Cassillis, Lotheane, Balmerinoch, Haliruidhous, R. Cokburne, J. Cokburne, P. Rollok." Royal Letters, 1604–1612. Page 99.

Whitehall, 14th November 1607.

Letter from his Majesty to the Council modifying the punishment of Mr William Cranston, minister, for his part in the late Synod of Fife.

"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele:—Quhairas, upoun reporte maid unto us of the disordourlie and insolent cariage of Maister Williame Cranstoun, minister, at the late Synode of Fyffe, keepit at Dysert, we were pleasit to gif oure speciall command to the Lord of Scone, oure commissionair at the said Synode, to caus the said Mr William Cranstoun to be denunceit rebell and putt to oure horne, and als apprehendit and committit in warde. And now, since being putt in hoip that the said Mr Williame, being sorie and penitent for his former oversichtis, will conforme himselff in all dewytie to that whiche is most convenient for the peace of that Churche and for the furtherance of oure service thair, we ar thairfoir moved to relent frome the geving forder directioun anent his committing, and ar to will you to command the said Maister Williame to remane within the boundis of his owne parroche, and no way to transcend the same, untill suche tyme as oure forder pleasour and will be knowne, as also that you will gif ordour for his relaxing and ressaving to oure peace, that so it may cleirlie kyithe that we ar willing to show mercy to thame that will acknowlege thair oversichtis and will promeis to amend, as on the other parte we will mak those turbulent and unquiet spirittis, bothe in Churche and Staite thair, Page 102.

Royal Letters, 1604–1612.

feel the weght of oure indignatioun and wraith. And so we bid you fairwele.—To oure richt trusty and weilbelovit," &c.—See Act of Council, *ante*, p. 16.

Page 99.

"Richt trustie and weilbelovit cosines and counsellouris, we greete you wele:—Quhairas the Marques of Huntlie," &c. [This Royal Letter, ordering the change of the Marquis of Huntly's place of seclusion from Elgin to Aberdeen, is incorporated, almost verbatim, in the Act of Council on that subject, of date 26th November 1607, which appears *ante*, p. 9.]

Whitehall, 15th November 1607. Letter from his Majesty to the Council anent the Marquis of Huntly.

Page 103.

"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele:—The lait eschaip of the Lord Maxwell furth of oure castell of Edinburgh [*ante*, p. 17, and note] having gevin unto us moir then just caus of discontentment at his foleys, we haif thocht meete heirby to direct you how to proceede aganis him. And, first, we will this proclamatioun heirwith sent to be publissed at all placeis neidfull, and that you thairefter tak ordour for tryale of all his ressettaris and supplearis, and caus the extremitie of oure law be prosequute aganis them. And als you sall, upoun resset heirof, presentlie send chargeis of tressoun for the randering of his castellis and houssis; and you sall putt garysonis and keeparis in every one of the same, to be intertenyed upoun the rentis belonging to the house unto suche tyme as we do tak forder ordour thairwith. And als oure will is that you gif particulair directioun to suche as sall ressave the castell of Lochmaben that they mak delyverie of the same to oure right trustie cosine and counsellour the Erll of Dunbar, or to ony other whome the said Erll of Dunbar sall direct with oure other warrand for ressaveing thairof. Furthermore, you sall caus charge the principallis of the said Lord Maxwell his name and followaris, being ony way men of mark, to find cautioun and souirtie, under greate pecuniall panes, that they sall noway ressett, supplee, nor intercommoun with him. You sall, in lyke maner, gif speciall ordour to our garysoun under the Lord of Scones command, and als to that other under Sir Williame Cranstonis charge, that they mak speciall searche for the said Lord Maxwell his taking and apprehending. And, heirof willing you to be cairfull and to omitt nothing that may hasten ane exemplair punishement upoun him for this his proude contempt, we bid you fairweele.—To oure richt trustie and weilbelovit cosines and counsellouris, the Erll of Dunfermling, our Chanceller, and remanent lordis and otheris," &c.—See *ante*, pp. 28, 29.

Royston, 14th December 1607. Letter from his Majesty to the Council, instructing them as to proceedings against Lord Maxwell, who has escaped from Edinburgh Castle.

'age 105.

"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele:—The goode experience and proofe we haif had of the mony goode pairtis in Thomas Hamiltoun of Preistisfeild, ane of the senatouris of the Colledge of Justice, and of his reddy fordwardnes at all tymes to advance oure service, hes moved us to mak speciall choise of him to be one of oure Previe Counsell of that oure kingdome; and thairfoir we ar to desire you heirby that you caus his oath to be takin, and him to be ressavit in the

Whitehall, 1st January 1608. Letters from his Majesty for admission of Thomas Hamilton of Priestfield, Sir Andrew Murray of Balvaird, and Mr

William Hart, justice-depute, to be of the Council.

nomber of counsellouris of that oure kingdome, and he to enjoy heirefter all previlegeis, immunityis, and pre-eminenceis dew and properlie belanging to one possessing that place. For doing wherof these presentis salbe your sufficient warrand. So we bid you fairwele.—To oure traist cosine and counsellour, the Erll of Dunfermling, Lord Chancellour of Scotland."—Letters from his Majesty to the same effect for admission of Sir Andro Murray of Balvaird, and Mr William Hairt, justice depute, to be Privy Councillors of Scotland. Royal Letters, 1604-1612. Page 105.

Whitehall, 1st January 1608. Letter from his Majesty to the Council anent Lord Maxwell and Sir James MacConeill.

"Richt trustie and weilbelovit cosines and counsellouris, we greete you wele:—Since we do now persave that Sir James M°Coneill, who hes so often assayed to brek our prisonis and wardis, is past all hoip of amendiment, as did laitlie kyith in that his forceing of oure castell of Edinburgh and hurteing of some of the keiparis thairof, howsoevir we did hithertillis use greatair lenitie towardis him then he ony way deservit, yitt, that this his proude attempt sould not enbolden utheris with hoip of impunitie to committ the lyke, oure pleasour and will is that you direct oure justice thair and his depute to proceede aganis him in punishing him according to law for this his late treasounable fact committit, and that with all goodlie expeditioun possible. As alsua you ar to direct our Advocat to raise and intent proces of foirfaltour aganis Johnne, Lord Maxwell, and Robert Maxwell of the Toure, for thair treasounable forceing of oure said Castell, eschaiping furth thairof, hurting of the keiparis of the same, and thair endevoiring to freethe with thameselffis the said Sir James M°Coneill, being keept cloise prisouner in the said Castell. And heiranent you sall gif unto oure said Advocat ane verie speciall warrand. And so we bid you fairwele.—To oure richt trustie and weilbelovit cosines and counsellouris, the Erll of Dunfermling, our Chancellour, and remanent Lordis and utheris of oure Prevey Counsell of that oure kingdome of Scotland."—See *ante*, p. 17, and footnote. Page 106.

Whitehall, 5th January 1608. Letter from his Majesty to the Council in the matter of the election of Lord Maxwell and his brother to be provosts of Dumfries and Annan.

"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele:—Understanding that the Lord Maxwell, who is now oure declairit tratour, wes, at the electioun of the late magistrats within oure burgh of Drumfreis, chosin for thair provest, and als that the Maister of Maxwell, his bruther, oure very contemptuus rebell, wes chosin by the burgesses of Annand to be thair provest for this yeare, and considdering that those who cannot reule thameselffis of all otheris ar most unfitte to be magistratis, and ar least able to conteyne otheris in dewytie whenas thay gif suche prooffe of their awne dissobedyence, we haif thairfoir thocht meete to will you to direct chargeis aganis the saidis burrowis of Drumfreis and Annand, straitlie commanding thame to mak new choise of thair provestis, and in speciall the said burgh of Drumfreis to elect and chuse Sir Thomas Kirkpatrik of Closburne, knycht, and the said burgh of Annand Sir Williame Cranstoun of that Ilk, knycht, for provestis of thair burrowis for this present yeare: that so, by appointing of those men quho ar knowne Page 106.

Royal Letters, 1604–1612. Page 107.

to be affectionat to oure service and lovearis of the peace and quietnes of the cuntrey in commandiment over those burrowis, thair may be the greatair assuirance of the dewtifull cariage of the inhabitantis of the same. And, forasmuche as the said Lord Maxwell is heritable steuart of the steuartryis of Kirkcudbrycht and Annanderdaill, and it being noway fitte that those placeis of commandiment sould be unprovyded of goode and wele-affectit subjectis to posses the same (howevir we do not intend to dispose heritablie or to grant lyfrent giftis of the same in ony tyme heirefter), it is thairfoir oure pleasour and will that you sall send up to us certane lyttis of the fittest men to be placeit in every one of those two steuartryis, to the effect we may out of that nomber select one for possessing of eache of thair placeis. And so we bid you hairtelie fairwele.—To oure right trustie and weilbelovit cosines," &c., *ut supra.*—See *ante*, p. 36.

Page 103.

Page 104.

Edinburgh, 14th January 1608.

Letter from the Council to his Majesty complaining of a citation of certain Scottish subjects to appear before the English Council to answer in a Border dispute.

"Most gratious and sacred Soverayne:—Upoun the 14 of this instant thair wes ane petitioun presented unto us of your Majesteis Counsell, being very frequentlie convenit, be Gilbert Ker, Rutherfoorde, Thomas and Johnne Taitis, complening upoun a citatioun used aganis thame for thair appeirance befoir your Majesteis Counsell at Westminister upoun the tent day of Februair nixt, to answer *super inquirendis*, ilkane of thame under the pane of ane hundreth pundis, not making mentioun of the instance of ony pairtye, as be the copie of thair citatioun, whiche we haif send up to Mr Alexander Hay, your Majestie may persave. The mater being gravelie and at lenth disputed in Counsell, not without greate admiratioun of the hole Table how suche a novaltie and preparative, so prejudiciall to this Estate, sould haif bene intendit without a preceding warraunt and authoritie establisheit with consent of boithe Parliamentis, —and the rather for that your Majesteis Secretarye had maid a trew relatioun to your Heynes, whill he wes thair befoir Alhallowtyde, of that whiche had fallin oute betuix the saidis gentilmen and some of Sir Raulph Grayis men anent some debetable landis whiche we tak to be the ground of this complaynt, and how that be him thay wer stayed fra reparatioun thairof,—in end we all with unanime voce persuadit and assuirit oureselffis that your sacred Majestie wes not maid prevey to ony suche charge and thairfore we fand it expedyent that the pairtyis sould be by us secured not to acknowlege ony suche citatioun nor mak thair appeirance in that judgement. And, becaus suche forme of procedour will greatlie exasperat your Majesteis subjectis, and gif occasioun in some measour to hinder that princelie resolutioun whiche your Heynes hes evir had with calmnes and prudencye to reduce thir your Majesteis two famous kingdomes to a conformitie, we haif thoght meete in all reverence and humilitie to requeist your sacred Majestie to considder of this mater in your accustumat princelie wisdome and affectioun to the libertie of your loving subjectis heir, and to gif ordour and directioun not onlie that no forder be procedit in this proces, bot lykwayes the ground wherupoun this discontentment procedit may be by your Majesteis Commissionaris of the late

Bordouris, or what other forme your Majestie sall think most convenient, removed and alluterlie takin away, and that the lyke chargeis and citationis be not send doun heirefter. And sua, humelie craving pardoun of your sacred Majestie for this our presumptioun, and humelie beseiking your Heynes to considder quhat just greif and miscontentment such novalteis and preparatives will bring to all your faithfull subjectis of this your auntient kingdome, we end with our humble and hairty prayers to God for the continuance of your Majestie and of your royall progenye in all helth, welth, and felicitie.—*Sic subscribitur*: A. Cancellarius, Sanctandrois, Huntley, Angus, Mairshaell, Mar, Caithnes, Balmerinoch, Blantyr, Haliruidhous, Sir Robert Melvill, John Prestoun, R. Cokburne, Sir T. Hammiltoun, Petir Rollok."—See *ante*, p. 34. Royal Letters, 1604–1612.

Whitehall, 2nd February 1608.

Letter from his Majesty to the Council anent licence to the Marquis of Huntly to go abroad.

"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele:—Thair hes bene sute maid unto us by oure richt trustie cosine and counsellour, the Duke of Lennox, in the behalf of the Marques of Huntley, for a licence to him to depairt furth of oure dominionis and to remane some certane space in foreyne cuntreyis and uther pairtis beyond sey;—wherunto we ar willing. Alwayes, having considderit that the said Marques is schirreff of the schirefdomes of Abirdeyne and Invernes, and als is lord of greate boundis in the heich-landis of that oure kingdome, having sindrie clannis and brokin men duelling upoun the samin for whome he, as thair landislord, is bound to ansuer and present thame according as he salbe requirit: we haif thoght meete to will you to call the said Marques befoir you and to demand of him ane sufficient assuirance boithe for the dischargeing of those officeis and for the quietnes of those boundis quhairof he has commandiment, and that he name some of his freindis of speciall worth and qualitie, knowne to be weill affectit to the peace of the cuntrey and oure obedyence, who ar to bind thameselffis induring the tyme of the said Marques his absence to be ansuerable for quhatevir thing the said Marques himselff could haif bene chargeit concerning the discharge of his officeis or making ony of his people ansuerable. And, having provydit for the suirtie of the premissis, you ar then to acquent us thairwith, that thairefter we may pas and expeede the said licence to the said Marques. And so we bid you fairwele." Page 107.

Whitehall, 2nd February 1608.

Letter from his Majesty to the Council anent the publication of Sir John Skene's book called *Regiam Majestatem*.

"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele:—Undirstanding that in the last sessioun of Parliament in that oure kingdome some motioun wes maid concerning the publisheing of a booke callit REGIAM MAJESTATEM, with certane additionis collectit and correctit by the greate travellis and panes of our trustie counsellour, the Clerk of Register, and that divers alsweele of the nobilitie as of the other Esteatis then convenit did most willinglie offer a contributioun for the defraying of suche chargeis as wald be required to the printing and publisheing thairof; and we, considdering that the publicatioun thairof wilbe honnourable for the natioun (as contening the recordis of the auld lawis and statutis of that kingdome), have thairfoir thoght meete to Page 108.

Royal Letters, 1604-1612.

recommend the cair thairof unto you, that alswele ordour may be sett doun by you for the speedie ingaddering of these soumes voluntarlie offerrit by the Esteatis for defraying the chairgeis of the prenting of the said booke, as also that the publicatioun thairof may be furtherit and advanceit by you, and that we may be adverteist of all lattis and impedimentis thairin.—Wherin you sall do unto us verye acceptable service. And so we leave you to God.—To oure richt trustie and weilbelovit cosines and counsellouris, the Erll of Dunfermling, our Chancellour, and remanent Lordis and otheris of oure Prevey Counsell in that oure kingdome of Scotland."—See *ante*, p. 55.

age 109.

Whitehall, 2nd February 1608. Letter from his Majesty to the Council ordering more energetic proceedings against Lord Maxwell and his abettors.

"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele:—We ar informed that, nochtwithstanding of that treasounable fact committit be the Lord Maxwell in eschaiping furth of oure castell of Edinburgh and in forceing and hurting of the keeparis and portaris of the same, and of oure speciall commandis and proclamationis send doun for his taking and apprehending, nevirtheles, in plane contempt of oure authoritie, he oppenlie travellis through the cuntrey accompanyed with no fewair then tuentie horses, and hes maid his repair at sindrie tymes to oure burgh of Drumfreis. Whiche insolence is noway tollerable, and skairse excusable on your pairtis that ony of oure declairit tratouris sould assume to thameselffis so much libertie without controlment. And thairfoir oure pleasour and will is that, upoun ressett heirof, you direct that our gaird, under the command of the Lord of Scone, repair to the burgh of Drumfreis, and thair, with that garisoun under Sir Williame Cranstonis charge, to mak a present diligent searche for the said Lord Maxwell, and ather to apprehend him or putt him oute of these boundis. Thairwith also the baillies of Drumfreis wald be chargeit to compeir befoir you; and, yf you can trye ony thing of thair knowlege of the said Lord Maxwell being in thair toun, we ar to will you to inflict ane examplair punishement upoun thame, bothe by fyneing and warding. And als you ar to proceede in rigour, according to the warrant of oure lawis, aganis all resettaris and accompanyeris of the said Lord, that so otheris may be affrayed frome comeing within the compas of the lyke contempt. And, remitting these materis to your speciall cair, we bid you fairwele."—See *ante*, p. 48.

age 108.

Edinburgh, 9th February 1608. Letter from the Council to the Marquis of Huntly, requiring his appearance before them.

"After oure verie hairtlie commendationis to your goode Lordship:—We ressavit this day ane letter frome his Majestie anent ane motioun maid to his Heynes for ane licence to your Lordship to depairt and pas furth of his Majesteis dominionis [*ante*, p. 490]; wherin his Heynes hes injoyned to us to tak some assuirance of your Lordship for discharge of your officeis during your absence, and for the obedyence of suche personis as your Lordship be the lawis is haldin to ansuer for, as by the copie of his Majesteis letter direct to us, whiche you sall heirwith ressave, you may persave. And thairfoir these ar to requeist and desire you effectuuslie to addresse yourselff heir betuix and the tent day of Marche nixt, to gif unto us satis-

factioun in these tua heidis, to the effect we may mak his Majestie acquented thairwith, and that thairefter his Heynes may grant unto your Lordship licence accordinglie. Sua we committ you to God.—A. Cancellarius, Mar, Mortoun, Caithnes, Balmerinoch, Scone, J. Cokburne." Royal Letters 1604-1612.

Newmarket, 7th March 1608.

Letter from his Majesty to the Council anent Lord Maxwell's increased insolence in the Border district.

"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele:—We haif hard of the proude continewing contempt of the Lord Maxwell, who, since the breking of oure warde of the castell of Edinburgh, having associat unto himselff to the nomber of tuentie disordourlie and lascivious youthis, hes now also of late fortefeyed the house of the Yle, belonging to Eduard Maxwell of the Yle. And thairfoir oure pleasour and will is that you do send for Sir Williame Cranstoun, capitane of the garisoun whiche is appointed to attend our Lieutennent of oure Middle Shyris, and to learne of him the hole circomestanceis of this mater, and to assist him by ony warrand, letters, or commissionis whiche he sall desire of you for his furtherance to the taking of the house, or of the Lord Maxwell himselff and his company. And als, as he sall require frome you ony missive letters to ony nobleman or other men of pouer or command within those boundis, you ar to wryte unto thame very effectuuslie to assist and concur with the said Sir Williame Cranstoun as thay salbe requirit by him in the said service. And, becaus we undirstand that the said Lord Maxwell hes bene very muche ressett and intertenyit by his freindis, nochtwithstanding of the notoritie of his violent eschaip furth of warde, you ar thairfoir to call the speciallis of his freindis and surname befoir you; and suche of thame as salbe found by you to be insolentlie disposed we will you to committ thame to warde; and suche otheris whome you do suspect upoun thair stay at home that thay will ressett the said Lord we will you to confyne within suche other pairtis of that oure kingdome as thay may haif no acces or repair to ony parte of these boundis quhair the said Lord dois now for the most parte remayne. And, remitting these thingis to your speciall cair, we bid you fairwele.—To oure richt trustie," &c. Page 112. Page 113.

Newmarket, 7th March 1608.

Letter from his Majesty to the Council, order-proceedings against Mr John Murray for a seditious sermon.

"Richt trustie and weilbelovit cosines and counsellouris, we greete you wele:—We haif sene those particulair poyntis of that sermone preached by Mr Johnne Murray quhairupoun he may be verie wele challangeit and accusit as one most undeutifull to us and that Estate, in objecting perjurie and intendit prosequutioun of the Churche, and als in preicheing most falslie and erroniouslie aganis the worthie rites and ceremoneyis of the Churche, being the onlie trew tipe of the present visible and weill-governed Churche on earth. And thairfoir, yf this his bolde and seditious offence sould not be examplarlie punissed, it wald no doubt enbolden otheris of that same dispositioun to proceede to forder villanyis and contemptis. And, as it is expedient in suche-lyke evir with rigour to repres the begynningis, we ar to will you so to proceede heirin as we may find Page 109. Page 110.

Royal Letters 1604–1612.

you voyde of all cairlesnes, feirfulnes, or partiall favour in a mater of suche moment. And so we bid you fairwele."

Page 110.

Edinburgh, 10th March 1608.

Letter from the Council to his Majesty anent Mr John Murray and his seditious sermon, with report of Murray's explanations of the same to the Council.

"Most sacred Soverane:—We convenit Mr Johnne Murray befoir us upoun the 25 of Februair last, for uttering in prent and making to be published a sermone of his, preachit at Leyth, and for some speciall pointis thairof quhilkis appeirit to imply some doctrine tuicheing the offens of your Majesteis lawis. Whose first ansuer wes that, by his most humble letter directit unto your sacred Majestie, he had declairit all that he knew anent the said sermone; wherby he had hoiped that your Majestie restit satisfeit, and till the returning of your most gratious ansuer requirit that the forder urgeing of that mater sould be superseidit. In end he wes commandit to declair not onlie quhidder the sermone wes his, [and] by whose directioun publissed, bot to gif ansuer to some pointis thairof observed by those whome it did propirlie belong. He craved licence till the nixt Counsall day, that he micht confer the articlis with the sermone itselff. The whiche day compeirand, he declairit that the prented sermone wes his, that he preichit it at Edinburgh, in a Synodoill Assembley not a yeir since. As for the publicatioun or prenting of it, he wes innocent thairof and grevit thairat, and that he never knew onything of it. As to the articlis of his said sermone, becaus thay wer gevin to him in wryte, he gaif in wryte agane a generall ansuer; and, being urged to be moir particulair to every one of thame, he delyverit by worde his ansueris as follows:—First, for taxing of the cannon of the Churche of England, and anent the ceremonyis thair ressaved and ratifeit be your Majestie, by useing the example of ane injunctioun for the use of ane surpleece, he answerit that he used the example of the surpleece not to condemne ony law approvin by your sacred Majestie, bot broght in the example be way of supposition, and allegeit thair could no expres condemnatioun of the said injunctioun be drawne furth of his wordis bot be consequencis and illationis not aggreable to his meaning. And, anent the condemning of the Act of Lynlythgow, ratifeit be your Majestie, by saying that the creeping in of the antechristeane yoke had for the first step that whiche is litle different frome our new moderatoris, he answerit that the same wes no expres disallowing of the said Act of Lynlythgow, bot ane noting of those who wald abuse thair pre-eminence in the Kirk, as did the Antechrist. And, as to the imposing of the cryme of perjurie to your Majesties Counsell and Nobilitie, who had sworne to defend the discipline of the Kirk, he wes so far frome doing of the same that it nevir come in his thoght to think ony suche thing of your royall Majestie, of whome with all reverence and deutifulnes he had occasioun evir to speek, as is evident by the expres wordis of his sermone in the xlix leaf following, bot onlie meanit of thair awne brethrene, who nouther keepit thair oathis nor the caveattis of the Generall Assembley. And, last, being inquirit anent the meaning of these wordis, 'that in Scotland we ar beating doun Christ, putting him in bondis, covering his face, and of purpois to bury

him, with the Jewis,'—quhairby he appeirit to tax your Majesteis governament, quho, being a Christeane prince, sould suffer Christ in your Majesteis dominionis to be so intreated,—he ansuerit that these wordis wer onlie generall confessioun, and not a particulair reprehensioun of ony. Quhilk constructioun of his wordis wes utterit by him verie modestlie, protesting alwayes that his wordis sould not be wrung, nor his meaning wreasted, bot favourablie construed, and that in the first instance, since thay ar not directlie aganis your Majestie, the law nor estate, bot by consequenceis, illationis, and interpretationis, that his censure and tryale micht be remittit to his ordinair,—not meaning thairby to declyne your Majestie. This in effect and substance is all that he ansuerit. Quhairin we haif continewit oure determinatioun quhill we undirstand your Majesteis pleasour, and quhat course your Heynes will haif to be takin forder in the said mater,—whilk salbe most reddilie obeyit. And sua, with oure humble prayeris unto God recommending your sacred Majestie unto his divyne protectioun, we rest," &c. Royal Lette 1604–1612.

Edinburgh, 10th March 1608.

Letter from the Council to Lord Ellesmere, High Chancellor of England, thanking him for his behaviour in the matter of the summons of certain Scottish subjects before the English Star-Chamber.

"After oure verie hairtlie commendationis to your goode Lordship:—Pleis your Lordship understand that, as oure people at first wer somequhat greved with Sir Raulph Grayis calling of some of his nichtbouris of this kingdome to appeare in the Starr Chalmer, so, having understand the honnourable course takin for his punishement, thay fand it to be trew that everie honnest man did imagine, that it wes a devise of his unknowne ather to your Lordship or ony of that most honnorable Counsell. Thairfoir we thoght it become us by our most hairty thankis to acknowlege your constant continewance of the increscе of that happy amitie betuix the people of boith realmes, [and] that, as you know oure most gratious Soveranis dispositioun, so you pretermitt no occasioun by all goode officeis to encourage the furtherance and punish the hinderance of his most princelie desyre. Quhairin we salbe at oure uttermost pouer most reddy to concur, not onlie in publict correspondence to punishe all suche as sall attempt ony thing to the violatioun thairof; bot, in ony particulair service wherin we can testifie oure love, thair salbe no subjectis in ather kingdome moir willing to mak knowne thair eirnist affectioun still to continew your Lordshipis most assured freindis.—Chanceller, Mar, Cassillis, Lotheane, Balmerinoch, Haliruidhous, R. Cokburne, Jo. Prestoun.—To oure very honorable goode Lord, the Lord Elesmere, Lord Heich Chancellour of England." Page 113.

Edinburgh, 10th March 1608.

Letter of thanks from the Council to the Earl of Salisbury, in the same matter.

"After oure verie hairtlie commendationis to your goode Lordship:—Pleis your Lordship tak in goode parte our bauldnes to mak knowne to you the greate contentment oure people heir ressavit of your honnourable regairde in the censuring of Sir Raulph Gray for his malitious dispositioun in calling of his nichtbouris of this kingdome till appeare at Westminster in the Star Chalmer. In whiche doing, as everie honnest man knew it to be ane abuse on his parte, so did thay judge his Majesteis most honnorable Counsell to be free of it. Wherupoun we haif presumed to yeald your Page 114.

Royal Letters, 1604–1612.

honnour most hartlie thankis for that by his punishement you haif maid manifest to the world how far you did mislyke thairof. Lyke as we wald wishe that, for tryale and punishement of that ryott whiche wes committ in that debetable boundis betuix the said Sir Raulph and Gilbert Ker, suche a motioun mycht be maid as his Majestie wald command his Lieutennentis joyntlie so to proceede thairin as the lyke occasioun sould not fall oute heirefter. Wherin, as everie thing els that we ar able to performe for the continuance of that goode lykeing so happelie begun betuix the subjectis of boithe kingdomes of the best soirt, and so gratiouslie incressit by oure most gratious Soveranes tender cair of all oure goodis, thair salbe nothing wanting that oure waik endevoris in these chargeis we holde of his Majesteis princelie favour may affoirde. Lyke as we acknowlege oureselffis particularlie bound to your honnouris exceiding favour in this and all uther occasionis tending to the increse of that amitie betuix the kingdomes whiche his Majestie and all goode subjectis do so muche affect. Wherin, and in all uther his Majesteis panefull services that doeth ly upoun you, we wishe your honnour most happy succes. Subscrivit, &c.—To oure very honnorable goode Lorde, the Erll of Salisbury, one of his Majesteis most honnorable Prevey Counsell."

Page 114.

"After oure verie hairtlie commendationis to your goode Lordship:—Pleis your goode Lordship, as the novaltie of the lait proces awarded frome the Star Chalmer aganis some of oure cuntreymen at the instigatioun of Sir Raulph Gray did somequhat move the commoun sorte, so, quhen it did appeir with quhat severitie his calumnious procedingis wer censured, it bred a greate deale moir satisfactioun. Wherin we wald not omitt to yeald your Lordship your dew thankis, whose affectioun in this as in all

Edinburgh, 10th March 1608. Letter of thanks from the Council to the Earl of Northampton, in the same matter.

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the rest of your actionis doeth cleirlie appeir to nureis and increse our most gratious Soveranis princelie intentioun to keepe and mantene that sinceritie of love and justice amang all his subjectis quhairby his immortall glorye and our eternall happynes may be continewit to the worldis end. For oure pairtis, quhen ony thing sall fall oute heir quhairin oure affectioun may be seene, it salbe knowne quhat desire we haif to meete your justice aganis those who wald be enemeyis to that most blissit amitie, and that the distance frome oure most gratious Soverane doeth nothing relent oure eirnist affectioun to performe at oure uttermost pouer all his most sacred and royall desyris. Thus, expecting your favourable constructioun of this oure boldnes, we committ you to Godis holie protectioun.—To oure verie honnourable goode Lorde, the Erll of Northamptoun."

Page 115.

"After oure verie hairtlie commendationis to youre goode Lordship:— Pleis your Lordship excuse oure presumptioun to impashe your moir weyghtie affairis with these our ydill complimentis, onlie to certifie to your Lordship the contentment oure people ressaved of that adverteisment we had frome the Erll of Dunbar of the course wes takin with Sir Raulph

Edinburgh, 10th March 1608. Letter of thanks from the Council to the Lord

Treasurer of England, in the same matter.

Gray for his malitious calling up of a nomber of oure cuntreymen to haif appeared in the Star Chalmer, and to yeald your honnour most hairty thankis for your cair in that mater. Lykeas we salbe reddy, in ony thing salbe attempted by ony of oure cuntreymen to the disturbance of the commoun amitie, so to examine and punishe the same as utheris salbe affrayed to committ the lyke. Thus, ceasing frome all forder importunitie, we committ you hairtelie to God.—To oure very honnorable goode Lord, the Lord Heich Thesaurer of England." Royal Letters 1604–1612.

Whitehall, 20th March 1608.

Letter from his Majesty, severely rebuking the Council for their tenderness to Mr John Murray, and ordering his punishment.

"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele:—By your letter of the tent of this instant you do certifie your procedingis aganis Mr Johnne Murray, minister; quhairin we, expecting to haif hard of his punishement inflicted by you, did find nothing in it bot ane idill relatioun of his equivocating pratling, and do now persave that you ar loathe to falsifie oure prophesie of you uttered by us in the letter send unto you concerning the precipitat Act past aganis us in favouris of our Advocat anent the silver myne [*ante*, p. 36]. Wherin howsoevir our privat interes, notour to every one of you, did carye some reasoun that we sould haif bene acquented befoir you had procedit, yitt in that thair wes no stop nor delaye. Bot, in the punisheing of ony puriteyne preacheour, howsoevir manifest his offence be, we did foirtell (that whiche we now find heir by experience) that oure pleasour in that mater must be at least some half dusane severall tymes socht, and the same signifeit to you, befoir we can haif ony of oure directionis in these materis executed. Wherin how far in dewytie and discharge of your place you come shorte of oure Counsell heir I leave it to your awne consideratioun. And thairfoir, in oure directionis heirefter, you must ather do quhat is commandit or then excuse yourselffis upoun your insufficiencie to dischairge your placeis; and in this particulair you ar to returne to us with speede some adverteisment of the punisheing of the said Mr Johnne Murray, or ellis we will tak some speedie ordour for the punisheing of him for his commissoun and you for your omissioun. And, willing you to be moir cairfull heirefter in executing of oure directionis, as you wald eshew our just wraith and indignatioun, we bid you fairwele.—To oure richt trustie and weilbelovit cosines and counsellouris, the Erll of Dunfermling, our Chancellour, and remanent Lordis and utheris of oure Previe Counsell of oure kingdome of Scotland."[1]—See *ante*, pp. 71, 72. Page 111. Page 112.

[1] The Mr John Murray who is the subject of this letter and of two preceding (*ante*, pp. 492–4) was a brother of the Laird of Abercairny. After having been for eight years minister at Borthwick, he had been translated to Leith, where he had been minister now for about four years and a half. There is a long and minute account of his present prosecution in Calderwood (vi. 689–702). The substance is that during the whole time of his ministry in Leith he had, both in church courts and in the pulpit, been a strenuous defender of Presbyterian principles and opponent of Episcopacy. It was in his house in Leith that the six Presbyterian ministers who had been convicted of treason and banished for life in 1606 for their *declinator* in the matter of the Aberdeen Assembly of the previous year, were accommodated and entertained before they embarked in the ship that was to carry them abroad (vol. vii. p. 269). The special offence for which he was now in

Royal Letters, 1604–1612. Page 115.

Dublin, 24th April 1608. Letter from the Lord Deputy and Council of Ireland to the Scottish Privy Council, requesting their aid against an Irish insurrection.

"Richt Honnorable oure very goode Lordis:—We have ressaved sindrie advertismentis oute of Ulster that, upoun Mononday at nicht last, being the 18 of this instant, Sir Cahir Odohartie hath traterouslie gotten into his possessioun the castell and fort of Culmoir upoun the river of Loch-foile, and that efterwardis, the same nycht ane hour befoir day, he went from thense to the Derey upoun the same river, whiche he did surprise, spoyll and burne to the ground. We intend presentlie to prosequute the rebellis with all dew cair and expeditioun, and do not doubt to effect the same to the Kingis goode satisfactioun, yf thay be not abaited and conforted with some greatair forceis of undeutifull subjectis in those pairtis. Off all uther doubtis we haif in that behalf this is the greatest,—least the Ylandaris of that realme, being now in ill grace withe his Majestie, sould transporte over ony assistance unto thame quhairthrough thay may grow togidder to greatair insolenceis, and bring mony otheris into thair pairtye whilkis otherwise durst not declair thameselffis. Forasmuche as we doubt not bot your Lordships will hald that correspondence with us that is fitte and aggreable with his Majesteis pleasour and the saulftie of his dominionis, we have thairfoir thocht it meete and necessarye to adverteis your Lordships tuicheing those affairis, and to pray your present ayde and assistance of two schippis, to be rigged and sett furth with all dew expeditioun, for refraining the comeing hither of those

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trouble, was a sermon he had preached about a year before at a synod meeting in Edinburgh. To please a friend or two he had written out the sermon; and a copy of it, having found its way to London, had been printed there without his knowledge. According to Calderwood, it was Bancroft, Archbishop of Canterbury, who had called the King's attention to the sermon, and put a copy of it into his Majesty's hands. The King having communicated with Secretary Balmerino on the subject, there had been a private interview between the Secretary and Mr Murray, with the result that the Secretary had reported very favourably to the King of Mr Murray's demeanour, and sent the King Murray's own explanation. There, according to Calderwood, the matter would have rested, but for the Scottish Bishops, and especially Archbishop Gledstanes and Bishop Law of Orkney. Having got hold of the sermon, they extracted passages from it that might be construed as reflecting on his Majesty or impugning his prerogative, and demanded the whole Council's judgment on these. Although there is no record of the fact in the Council's minutes, Mr Murray had consequently been before them and under interrogation on the 25th of February, and on subsequent days. Calderwood's account is that Chancellor Dunfermline and the lay lords of the Council generally were extremely courteous to Mr Murray, and took his part against the Bishops,—the Chancellor in particular making some caustic remarks on Archbishop Gledstanes for his too evident anxiety to convict. The favourable report of the Council to the King in their letter of 10th March may be regarded, therefore, as the opinion of the majority of the Council, with the Bishops dissenting,—one more proof of that antagonism between the laylords of the Council and their ecclesiastical colleagues of which there is plenty of other evidence. "The bishops," says Calderwood, "were mightilie incensed, finding themselves so farre dashed and disappointed, and sent up a privie messenger to King James." Hence, we are to suppose, the present Royal Letter of the 20th March, beating in severity of rebuke any of the previous letters of the King to the Council, severe enough though some of these had been. The consequence for Mr Murray was what might have been expected. He was committed to the Castle of Edinburgh, where he remained a prisoner for about a year. Calderwood's statement is that this was not done by the Council, but by a private warrant from the King to the Captain of the Guard; but this seems inconsistent with a subsequent minute of the Council itself in Murray's case, which will be found at p. 72.

Ylandaris to succour the Kingis rebellis on this syde during oure prosequutioun of thame. We knowe not quhidder these may come to late unto your handis, or quhidder some of those Ylandaris ar not alreddy arryved upoun our coast, and thairfoir we can not gif your Lordships ony certane directioun quhidder those two shippis sould wait on this syde towardis Lochfoile or aganis the Ylandis thairby till annoy thame and keepe thame from attempting ony thing abroade. Howsoevir, it is most necessarie that these shippis be furthwith prest oute for his Majesteis service, and to attend the occasionis whilkis may be presented of the one syde or of the other. The towne of Air is most commodious and most liklie to affoorde us this help, as we consave; and thairfoir do pray your Lordships to tak ordour with the cheefe officiar thair to further and dispatche this busynes, whiche doeth so neirlie concerne his Majesties service. We neede not urge this mater with greatair efficacie of wordis, since of itselff it appeiris unto you to be of suche importance. We pray your Lordships that we may heare frome your Lordships agane with all convenient expeditioun and goode effect. And so we bid your Lordships verie hairtelie fairwele.—*Sic subscribitur:* your Lordshipis verie loving freindis, Harie Chichister, Tho. Dublin, Cancellarius, Tho. Ridgewy, Robert Midensis, George Derrey, H. Roguhe, Gault Moire, Ja: Foullertoun, Ad. Loftus, Goffr. Fentoun, Hy. Johne.—To the richt honourable oure verie honnorable goode Lordis, the Lordis of his Majesteis most honourable Prevey Counsale of Scotland, gif these." Royal Letters 1604–1612.

Edinburgh, 28th April 1608.

Letter from the Council to the Earl of Abercorn, the Earl of Argyle, the Earl of Cassillis, and others in the west, requesting them to hold themselves in readiness against the Irish rebels, whether by way of offence or defence.

"After oure verie hairtlie commendationis to your good Lordships:—We haif laitlie ressavit some advertisment of ane greate rebellioun and insurrectioun rased within the boundis of Yrland be the rebellious and traterous subjectis of that land; who hes not onlie surprisit certane of his Majesteis townis and fortressis and consumed the same to asheis, bot hes putt to the swerd grite nomberis of his Majesteis lauchfull subjectis without respect to sex or conditioun: quhairby it is evident and liklie that thir rebellis doeth expect some foreyne pouer and assistance. And, becaus this rebellioun rased within his Majesteis dominionis, and so neir to the coistis of this kingdome, doeth carye no litle appeirance of prejudice to this Estate, besydis the generall disturbance of his Majesteis haill impyre, and it being very onsetting for ony of his Majesteis good subjectis to ly secure without apprehensioun of feir or danger quhair thair is so probable and evident appeiranceis and lykliehoodis, it is thairfoir thocht meete be his Majesteis Counsell that the haill strenthis and fortressis upoun the west coist be weele gairdit and secured frome the persute of the enemey, and that all his Majesteis subjectis salbe in reddynes and stand upoun thair gaird, alswele for persute as defence, as the necessitie sall require. And thairfoir these ar to requeist and desire your Lordship to haif a speciall cair and regaird that the castellis and fortressis in Arrane, quhairof your Lordship hes now the charge in absence of the Marques of Hammiltoun, be weele gairdit and provydit to withstand quhatsoevir foreyne or Page 117. Page 118.

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intestine poueris sal happin to assailyee the same, and that you yourselff, with your haill pouer and forceis, be in reddynes, upoun the appeirance of dangeir, alsweele to persew as to defend. And, in cais ony fugitive rebellis of Yrland sal happin to repair within your boundis, that you apprehend thame and present thame heir to thair tryall. Quhairin as you sall do goode and acceptable service to his Majestie, so sall you testifie your goode dispositioun to the peace and quietnes of this hole kingdome. Sua we committ you to God.—To oure verie honnorable goode Lord, the Erll of Abircorne."

"Ane missive of this same tennour to the Erll of Ergyle, altering onlie the castellis and fortressis within his boundis and cuntrey."

"Ane missive to the Erll of Cassillis of the same tennour, anent the fortresse of Yllissa."

"Ane missive to the sheriff of Bute of the same tennour anent the castell of Rothesay and fortressis in Bute."

"Ane missive to the capitane of Dunbartane anent the gairding of the castell of Dunbartane."

"Missives to the Erllis of Glencairne and Eglintoun, Lordis Uchiltrie and Lowdoun, and to the provest and baillies of Kirkcudbrycht, beiring the narrative abonewritten, with this conclusioun:—And thairfoir these ar to requeist and desire you effectinglie to haif a speciall cair and regaird that you and all your followaris be evir in reddynes, as you sall find the occasioun of ony foreyne invasioun or intestine rebellioun and stur of oure awne heyland men, to ryis, persew, and defend, and to do and performe that whiche lauchfull subjectis in dewytie and conscience aucht to do for the defence of thair native cuntrey. And in cais," &c. [as in the letter to the Earl of Abercorn].

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Whitehall, 30th April 1608.

Letter from his Majesty to the Council, requiring them to find who were responsible for the publication of Mr John Murray's impertinent sermon, and to examine Mr David Home of Godscroft and Mr Patrick Henderson in that matter.

"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele:—As you have bene heirtofoir certifeit by oure mony severall letters of oure just discontentment consavit at that impertinent sermone preached by Mr Johnne Murray at a provinciall meeting at Edinburgh, so we mervell muche how in his tryale for that mater you sould so tendirlie have slipped over the tryale and examinatioun of these personis unto whome he did gif copyis of that sermone: that, in regaird the publissing and imprenteing thairof is altogidder denyit by himself, one of those two unto whome in his depositioun he dois affirme he did delyver copyis of the said sermone must needis know how it wes publissed and by whome it wes imprented. And thairfoir our pleasour and will is that, upoun ressett heirof, immediatlie you call befoir you Mr David Home of Goddiscroft and Mr Patrick Hendersoun (who wer the personis that did ressave the copyis of the said sermone from the said Mr Johnne), and trye of thame quhat they did with the copyis of the said sermone, or to whome thay did delyver the same. And you shall keepe and deteyne thame in prisone untill suche tyme as thay do discover particularlie the dispersing of the same, and how it is come to the pres. Quhairin we will you to be

verie cairfull and diligent. And so we bid you fairweele.—To oure trustie and weilbelovit cosines and counsellouris, the Erll of Dunfermling, our Chancellour, and remanent lordis and utheris of oure Prevey Counsaill of that oure kingdome of Scotland."—See *ante*, p. 84. Royal Letters, 1604–1612.

Whitehall, 30th April 1608.

Letter from his Majesty to the Council, requiring their diligent search after resetters of Lord Maxwell.

"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele:—As nothing is moir the caus of the Lord Maxwell his proude and contemptuus stay within that oure kingdome, nochtwithstanding of all his treasounable factis committed, then the impunitie of his ressettaris,—who yf thay had bene als seveirlie punissed as we did appoint by oure proclamatioun sent doun [t] hither, we doubt befoir this ather had the said Lord bene takin or then for want of a plaice of refuge forceit to flee the realme: bot, in regaird this his proude insolence of his stay thair is noway sufferable, it is oure pleasour and will, and we do expreslie command you, that upoun ressett heirof you tak a particulair tryale of all suche as, ather befoir the said Lord Maxwellis committing of this filthie murthour of the Laird of Johnnestoun [*ante*, p. 70, and n.] or sensyne, haif ony way ressett him sen his breking of warde furthe of oure castle of Edinburgh, and to proceede in suche rigour aganis the ressettaris as all utheris of oure subjectis thair may be affrayed to contemne heirefter ony of oure commandimentis. And, heirof willing you to be cairfull, as you will ansuer to us thairupoun and wald eshew oure just reprooffe, we bid you fairweele.—To our richt trustie," &c., *ut supra*. Page 119. Page 120.

[Edinburgh, May 1608.]

Letter from the Council to his Majesty, replying to various accusations of negligence of duty made by him of late against them.

"Most sacred Soverane:—We haif hard, to oure grite greif and sorrow, by the reporte of your Majesteis Secretarie and be the instructionis committit be your sacred Majestie to his credit, how far your Heynes is discontented with the present governament of this Estate, as yf the haill misordouris and accidentis that fallis oute heir procedit frome oure cairles negligence and not-discharge of oure dewiteis in that credite and truste whiche your Heynes hes reposed in us. Quhairin we ar not a little grevit to be so hardlie censurit, quhenas thair is nothing moir dear unto us then to approve oure panes and travellis in the sinceir executioun of all thingis belonging to oure charge to your Majesteis full contentment and satisfactioun. For thair is no course that evir hes bene keepit for punishement or repressing of malefactouris whiche hes not bene prosequuted by us with als great cair as evir hes bene done at ony tyme heirtofoir. And, since we haif no other pouer bot sik as hes charge of your Majesteis gairdis, we directit and imployed thame at all occasionis; and in oure diligence of persewing thame we haif evir prevented the pairtyis, and hes denunceit thame at your Majesteis instance befoir they wer chargeit be the pairtyis, and hes done als greate examplair punishement thir foure or fyve yeiris as evir wes done within this cuntrey. And, in the pairticulair prosecutioun of the Lord Maxwellis ressettaris, thair is a nomber of thame callit, fynned, and wardit: the rest ar summond to pairticulair dyettis and salbe punissed [*ante*, pp. 85, 86, and p. 90]. Page 120.

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"As to the particulair slaughter of Cowhill, that feid is auld, weell-knowne to your Majestie, and no complaint of it maid by ony to the Counsell; and these brether of Kirkhous had alwayes favour, bot not frome the Counsell; and the committair of it is come in England.

"And, quhairas your Majestie is informed that those who wer appointed to prosequute the Lord Maxwell hes keepit company with him, those that
Page 121. hes commandiment of your Majesteis gairdis humelie cravis tryale of that calumnie; as alsua that that 'cove' quhilk is the allegeit place of his ressett may be designed, for we can not find ony cuntreyman that knowis ony place in Nithisdale or Galloway that careyis that name.

"Commandiment is gevin to your Majesteis Advocat to persew Lochinvar for the slaughter of his servand [*ante*, p. 87], albeit the ordinair forme be that the Advocat sould haif ane informair, and it is not ill justice quhen the pairtie gettis it upoun sute.

"As for Mr Gilbert Broun [*ante*, pp. 87, 88], his cautionar is unlawit and the soume payit to the Thesaurer. Yf he be still within the cuntrey, becaus he habitatis obscuirlie, and we can haif no tryale of him, we haif writtin presbiteryis within whose boundis he is most suspectit to be ressett to gif up the names of the ressettaris; and they salbe accordinglie punissed. Lykeas meanis salbe maid for his apprehensioun yf he remane within the cuntrey.

"The Erll of Errole wes summond befoir this directioun to compeir befoir the Counsell and to exhibit the Laird of Geycht [*ante*, p. 81].

"As for Mr Johnne Hammiltoun, thair wes nevir ony dilatioun maid to the Counsell of his being within the cuntrey, or [of] his ressettaris; and that sould haif bene the constant moderatoris diligence to haif showne the Counsell, yf ony suche thing wes. Bot, quhen all dilationis, quhidder trew or fals, comes by your Majestie, and we reproved as remise and negligent in thingis that can not probablie come to oure knowlege, we are not able to yeald your Majestie satisfactioun. Alwayes we haif send for Maister Johnne Hall, constant moderatour heir, and willit him to certifie his brethrene that we desire to be certifyed of his ressettaris, that we may proceede aganis thame.

"As for the gunis and pistollettis, we haif punished the weiring of thame with als great rigour as evir they wer, as the Thesauraris comptis, and fynes taken up for the offens, will testifie. And no man is able to afferme that evir ony complaint of that nature wes broght befoir the Counsell that wes not punished. We haif lykewayes craved privat informationis oute of all the pairtis of the cuntrey of the beiraris and weiraris of pistollettis, and sall tak suche ordour with thame as apperteynis.

"As for the estate of the North, we haif conferrit with the Marques of Huntley and sindrie other cuntreymen, and findis no suche disordour. No cuntrey is free of thair particulair discontentmentis, as betuix the
age 122. Laird of Drum and the name of Forbes; and yitt all the pairtyis ar under cautioun for your Majesteis obedyence.

"The tryale of that ryott of Drumfreis [*ante*, p. 86] wes under tryale

befoir your Majesteis directionis come, and salbe prosequnted with all rigour. Royal Letters, 1604–1612.

"The buriall of the Lord Maxwell wes a calumnie, quhairwith, as with mony mo, your Majestie is importuned; for he lyis still unburyed quhair he wes. And lykewayes the slaughter of Johnnestoun of Howgill wes alyke fals.

"The Collector hes promeist to extract all patronageis past by him sen your Majesteis going in England; wheirin we hoip he sal gif your Majestie satisfactioun.

"And sua, humelie craving pardoun of your sacred Majestie for this oure presumptioun, wilbe bauld in all reverence to intreate your Heynes to accept in goode parte the simple panes and travellis whiche, with all deutifull regaird towardis your sacred Majestie, we bestow in your Majesteis service, and favourablie to construe oure doingis; quhairin oure cheifest cair is to approve ourselffis everie way in that measour to your Majestie whiche to oure charge and credite apperteyneth, sua that your Majesteis gratious acceptance of oure travellis may not onlie rander us conforte and contentment, bot encourage us cheirfullie and glaidlie to go fordwart in that course whiche your Majestie expecteth of us, and whiche to oure charge, dewytie, and placeis apperteynis. Thus ending with our humble and hairtie prayeris to God for the continuance of your sacred Majestie and of your royall progenie in all happynes and felicitie, we rest your Majesteis most humble and obedyent subjectis and servitouris,—A., Cancellarius, Lotheane, Uchiltrie, Balmerinoch, Scone, Haliruidhous, Sir T. Hammiltoun, Beulie, comptroller, Jo. Prestoun."

Whitehall, 9th May 1608.

Letter from his Majesty to the Council, anent the Convention of Estates about to meet for the business of forces for service in the Isles.

"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele:—Whairas we undirstand of a Conventioun intendit to be keept be the Esteatis of that oure kingdome upoun the xx of May instant, for resolving upoun some present and reddy course for a supplee of land forceis to be send to the Yllis of that oure kingdome for assisting these oure souldiouris that ar to be sent thither in some of oure schippis and a gallay for reduceing of these Yllis to oure obedyence; and becaus some of those Esteatis may be of distemperit humours reddyer to crose and hinder the progres of this oure service then ony way to forder it as becomes thame of dewytie: thairfoir we have thoght fit to recommend this mater particularlie to all and every one of your cairfulnes, that you wald endevoir yourselff severallie to deale with every one of the saidis Esteatis aparte, that thay may come [t] hither convenit weill prepaired to advance this work so necessarie to oure service and so beneficiall to that hole Estate. Wherin, knowing how far your awne privat moyenis with gritest parte of these people may prevaill, yf ony thing sould heirin miscarye we must justlie lay the blayme upoun your negligence. And, assureing ourselffis that you will prevent oure just reproofe in this mater, we bid you fairwele.—To oure richt trustie and weil-belovit cosines and counsellouris, the Erll of Dunfermeling, our Chanceller, and remanent lordis and utheris of oure Prevey Counsell of oure kingdome of Scotland." Page 122. Page 123.

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"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele:—It being uncertane quhat speciall occasionis of service may occur boithe in this intendit subdewing of the Yllis of that oure kingdome, and in suppressing of oure rebellis in Yrland; and we being unwilling that oure kingdome thair sould be emptied of souldiouris quho ar desyrous for wagis to serve in the wearis untill suche tyme as we did know quhidder we had ony necessitie of thair imployment or not: it is thairfoir oure pleasour and will that all leveing of souldiouris to serve in ony foreyne pairtis be expreslie inhibite and dischargeit by oppin proclamatioun, and that none be sufferrit to be ony way careyit furth of that oure kingdome quhill first oure speciall licence be thairto obtenit. Wheranent thir presentis salbe unto you a warrant. And so we bid you fairwele.—To oure richt trustye," &c., *ut supra.*—See *ante*, p. 96.

Whitehall, 9th May 1608. Letter from his Majesty to the Council, discharging the levying of soldiers for foreign service till the necessary forces for the Isles are provided.

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"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele:—The mony frequent complaintis of oure poore creditouris," &c. [See the letter, incorporated in a Council minute of date 24th May 1608, p. 96.]

Whitehall, 9th May 1608. Letter from his Majesty to the Council as to the relief of his poor creditors.

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"Richt trustie and weilbelovit cosines, counsellouris, and utheris of oure goode, loving, and obedyent subjectis now presentlie convenit, we greete you weele:—This ordinarie trade of transporting of hydis furth of that oure kingdome as lauchfull wairis and stapill goodis (howsoevir the harme thairof hes not bene hithertillis animadvertit unto) hes broght the ledder and suche necessaris as ar required to be maid of the same, as bootes and schone, to suche ane extraordinarie rate and price as hardlie may the commoun sort of people, bot speciallie suche as haif nothing els bot thair

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wageis and feallis, ony way manteyne thamselffis, or be provydit of those necessaryis whiche thay can noway want. And, becaus this appeiris ane evident detriment to the commounwelth, that foreyne nationis sould injoy by your furnissing these goodis in plantie the scairstie wherof be ressoun of the frequent transportatioun gevis the occasioun of this derth amangis yourselffis of the same wairis: we ar thairfoir to desire you in this oure Conventioun dewlie to considder heirof, and to tak ony suche course as those sorte of goodis, to witt hydis of oxin, cattell, and all uther greate beastis, may rather by speciall act be restrayned heirefter frome being onyway transported then that this course of exporteing the same, being so prejudiciall to the hole estate, and noway beneficiall bot to a few of the meanest sorte, sould ony way continew. Wherin knowing that, upoun motioun heirof, the most parte of you will utter your awne greiffis and urge the remeid to be past and exped by Act of this your Conventioun, we bid you fairweele.—To the richt reverend faderis in God, to our richt trustie and weilbelovit cosines and counsellouris, and to oure trustye and weilbelovit the clergie, nobilitie, and commonis of that oure kingdome, presentlie convenit."

Whitehall, 9th May 1608. Letter from his Majesty to the Convention of Estates, proposing an Act of Convention for stopping the exportation of hides.

Whitehall, 9th May 1608.

Letter from his Majesty to the Council, requiring a record to be kept of the votes of the Councillors individually.

"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele:—Quhairis in mony of oure directionis," &c. [See the letter incorporated in a Council minute, of date 24th May 1608, *ante*, p. 97.] Royal Letters 1604-1612. Page 125.

Coleraine, 9th May 1608.

Letter from Thomas Phillip to the Council, craving that a force of 500 foot be sent to the north of Ireland, for resisting the progress of the rebels there.

"Richt Honnourable:—Quhairas thair hes bene formair notice gevin unto your Lordships of the lait rebellioun begun by Sir Cahir Odoghartie and his confederatis, as lykewayes of the perfidious saking of the citie of Derey, —since whiche tyme also, viz. the 23 of Aprile last, I send ane pacquet from Tredogh from the Lord Deputye signifeeing the great want of forceis at that instant: yitt, doubting muche that it hes not come in your Lordshipis handis through the fault of the beirair, I thoght it necessarie this secund tyme to signifie the same; wherby your honnourable Lordships may be richtlie informed of these occurrences, and so muche the rather for that since that tyme Sir Neill Odonnell (a man far moir dangerous then the other) with mony mo is joyned with him in this traterous actioun: insomuche as thay ar lyke to growe unto such ane heade that, unles present ayd be sent, thay will putt hald to it to abandoun the whole north of all his Majesteis forceis. May it pleis your Lordships, I am of opinioun that fyve hundreth goode men at this verie instant wald stop thair procedingis untill suche tyme as the expected forceis of England come over, and otheris frome your Lordships whiche by no meanis can come sa sone as urgent necessitie requireth. Thairfoir, yf your goode Lordships wilbe pleasit to send furth those foirmentioned foote, with two schippis,—one of thame of goode burdyne with ordinance in hir, allowing hir ane hundreth goode men besyde sayllaris, to do some service in the revair of Lochfoyle, the other to ly in Lochsulley, to stoppe the recourse of barkis and boittis thair,—I doubt not bot your Lordships sall find it muche to tend to the furtherance of his Majesteis service, and recover some placeis of grite moment whilkis ar now in thair possessioun, and will also hinder thame of such releif as thay daylie expect. Sir Neale and his confederatis onlie joyned with Odoharty the 4 of May, as by this enclosed your Lordships may persave. Heir is lykewayes great want of munitioun; thairfoir I wald desire your honnourable Lordships to send with the schipping provisioun boithe for sea and land, and that your Lordships wald be pleasit the foirsaid shipping to stopp at Skirreis Port Rushe, quhair thay sall ressave directionis accordinglie. And I will (yf so it may stand with your goode Lordshipis lykeing) place in the schip suche commandair to haif the charge of 100 men as I knowe is very fitte, and best acquented with all meanes and circomestanceis whiche may best further the intendit service. All the gentilmen of Ocanes company ar alreddy upoun thair keeping, and ar fitting thameselffis with armes for ony occasioun. I assuir myselff it is not to do his Majestie ony service. And since the writting heirof thair wer knowne, or at least supposed, bot three subjectis in this cuntrey, quhairof tua are murthourit, and of the third we expect no better. Thay threattin daylie to be with me heir at Colrane; bot, yf I can be releved by your Lordships ony tyme convenient, Page 132. Page 133.

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God assisting me, I sall prevent thair purpoissis in suche soirt that I doubt not by His blessing to releve other placeis distressit untill greatair forceis sall come. I understand by my Lord Deputie that the Mairshaell is marcheing towardis Laffeir with such forceis as he can mak, and is on his jornay als fer as Deldalk. And so, commending my service unto your Lordships, I commend you to God Almichtie. Your Lordshipis devoted at command,—Thomas Phillipe.—To the richt honnorable the Lordis of his Majesteis Prevey Counsell of the realme of Scotland, these gif. Haist, haist, haist."

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Edinburgh, 12th May. Letter from the Council of Scotland to the Council of Ireland, in reply to the communication from the latter of 24th April last.

"Richt honnorable oure verie goode Lordis,—Your Lordshippis letter of the 24 of Aprile [*ante*, p. 497] come to our handis the xii of this instant, showing how Sir Cahir Odohartie had surprisit the castell and forte of Culmoir, and spoyled and brint the toun of Derey. Some ten dayis afoir the ressett of your letter we wer fullie certifeit of that rebellioun, and gaif present ordour and directioun not onlie for preventing and staying of all suche assistance as may be expectit frome this cuntrey to the conforte and ayde of those rebellis, and for hindering of oure Ylandaris to combine with thame, bot lykewayes for the persute and apprehensioun of suche of your fugitives who, feiring the event of thair treasounable doingis, may tak occasioun to repair hither [*ante*, p. 78 and p. 82]. And in everie thing whiche may secure that Estate frome the evill dispositioun of our Ylandaris we haif tane a verie goode ordour, and salbe cairfull to see obedyence gevin accordinglie. Lykeas, in all other goode officeis which may interteny oure continuall correspondence with your Lordshipis for the publict advancement of oure most sacred Soveranes authoritie and service, and suppressing of all his traterous and disloyall subjectis, we sall testifie that affectioun and deutifull cariage whiche to oure charge and credite apperteyneth. Sua we committ your Lordshipis to Godis holie protectioun. —*Sic subscribitur:* your Lordshipis verie loving freindis, Dunfermling, cancellarius; Angus, Crauforde, Mortoun, Abircorne, Lotheane, Master [of] Elphinstoun, A. Uchiltrie, Blantyr, Haliruidhous, Quhittinghame.—To the richt honnorable oure verie goode Lordis, the Lordis of his Majesteis Prevey Counsell of Yrland."

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Whitehall, 13th May 1608. Letter from his Majesty to the Council, appointing places of confinement for the Marquis of Huntly and the Earls of Angus and Errol.

"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele:—The small regaird had by you in seeing those oure directionis performed anent the confyneing of suche nobilmen as ar suspect in religioun, and your too grite reddynes upoun every licht caus to grant libertie to those that wer confynned, hes bothe bene a grite hinderance and stay to thair recalling frome thair errouris to the trew faith, and als is ane of the caussis of the grite increse and growthe of papistis within that oure kingdome. In consideratioun whereof, we haif thoght meete to will and command you heirby, immediatlie upoun the ressett of these presentis, to direct furth strait chargeis and wairandis aganis George, Marques of Huntley, for his confyneing within our burgh of Abirdeyne, aganis the

Erll of Angus for his confyneing within our citie of Glasgu, and aganis the Erll of Errole for his confyneing within our burgh of Perth, commanding the saidis Erllis everyone of thame to repair to that toun particularlie appointit thame, and thair to mak thair stay and residence within the same, and noway to departe furth thairof without our speciall wairand and licence had and obtenit thairto. Willing you to haif a speciall cair to sie this our directioun speedilie executed and the same obeyit be thame. And our will is that you noway grant ony licence or libertie unto ony of those noblemen for comeing furth of the boundis of thair confyneing without that we, being first acquented thairwith, do gif oure speciall wairand for that effect. And so we bid you fairwele.—To oure richt trustie and weil-belovit cosines and counsellouris," &c.—See *ante*, p. 94. Royal Letters 1604–1612.

Edinburgh, 21st May 1608.

Letter from the Council to his Majesty, reporting to him the proceedings in the Convention of Estates of the previous day, and other matters.

"Most sacred Soverayne:—This Conventioun of your Majesteis Esteatis (albeit not so frequent as we expectit) held the 20 of this instant [pp. 93, 94]. Unto whome the necessitie of this expeditioun for the Yllis, and the preparatioun maid be your Majestie of schipping and otherwayes for that service, being proponned and urgeit with all instance and circomestanceis whilkis micht further the eirand, the same abaid a lang and fasheous dispute, some objecting the povirtie and present burdynes of the cuntrey, and some your Majesteis awne rentis and suche uther impedimentis as micht frustrat or delay the service. Bot in end thay all declairit that thay wald be content to serve according to the lawis of the cuntrey. Wherupoun we haif causit renew the first proclamationis, with designatioun of the same dayis and placeis of meeting contenit thairin, and hes gevin directioun for arreisting of the haill shippis on the coist syde and utheris pairtis benorth, to attend the transporte of your Majesteis forceis to the North Yllis, and for arreisting the schippis in the west to attend the transporte of the service to the south Yllis [pp. 94, 95]. And in everie other thing whiche may further this service we salbe cairfull and diligent. Thair wes lykewayes ane motioun maid and urgeit anent the restreant of the ledder and hydis; quhairin we fand verie greit objectioun, becaus they ar in effect the onlie stapill wairis of this kingdome previlegeit be all your Majesteis predicessouris to be transportit, and whairof your Majesteis customes hes grite increscc. And, efter reasoning and conferrence upoun this mater, we fand that the derth of bootis and schone procedis not upoun difference and oidis betuix the present pryceis of the hydis and the pryceis of the same some tuentie or threttie yeiris ago, nor yitt upoun occasioun of exportatioun of the same, bot onlie frome the policie and craft of the tannaris and workaris thairof, be whome the cuntrey thir mony yeiris bigane hes bene michtelie abused. For remeid quhairof it is inacted that commissionis salbe exped to the magistratis of ilk burgh, and to some speciall gentilmen to landwart adjoynit to thame, to tak tryale twyse everie yeir of the price of rouch hides, and accordinglie to sett doun pryceis upoun the booteis and schone [p. 93]. And, quhairas holde is tane be that estate of some prejudice sustenit be thame by the transporting hither Page 127.

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of thair ledder and maid bootis and schone, we find that this cuntrey hes no necessitie thairof; nather is thair ony suche quantitie of the same come heir as may raise or hicht the pryceis; and, yf it may be your Majesteis

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pleasour to caus examine your custome bookis, we ar informed that it sall not be foundin that tua hundreth hydis ar broght heir ony yeare. Alwayes we ar content, yf so your Majestie think goode, that a restraint be maid of the same thair, the lyke being maid heir for oure nolt and scheepe.——Your Majesteis letter of the xiii anent the confyneing of the Marques of Huntlie, Erllis of Angus and Errole, come to oure handis the 20 of this instant about tuo of the cloke in the afternoone, quhen we wer most busie with the Esteatis; sua that we had not the commoditie to gif ony directioun thairin that nicht. Alwayes we convenit this moirning at sevin of the cloke, and maid a present dispatche of that mater; and the Marques and Erll of Angus wer boithe chargeit afoir nyne of the cloke, and ane officer send to the Erll of Errole [p. 94]. They haif nevir ressavit ony libertie nor relaxatioun frome thair confyneing bot quhen some of the Bischopis wer present, and be thair speciall avise and consent; and that for some few dayis onlie, upoun necessair consideratioun of thair advis. Nather sall thay haif ony oversicht of us bot be your Majesteis knowlege and allowance.

This is the sume of oure procedingis at this meeting. And sua, with oure humble and hairty prayeris recommending your sacred Majestie and all your royall progenye to Godis protectioun, we rest your Majesteis most humble and obedyent subjectis and servitouris,—A. Cancellarius, Lotheane, Blantyr, Haliroodhous, Scone, Jo. Prestoun, Sir T. Hammiltoun."

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"Most sacred Soverane:—In respect of the difficulteis whilkis at the lait meeting of the Esteatis we fand anent the prosequutioun of the intendit expeditioun for the Yllis be suche meanis as we thoght to haif bene least grevous to the cuntrey, and most expedient for effectuating of the service, we and some otheris of your Majesteis Counsell upoun whome the burdyne of your Majesteis affairis doeth ly hes sensyne had some privat meetingis amangis oureselffis for the furtherance and advancement of that turne. And, after divers conferenceis and reasoning thairanent, and upoun the possibilliteis of effectuating the same to your Majesteis contentment and satisfactioun, we, according to the present necessitie, do find expedient that the burdyne of that haill service salbe layed upoun suche one persone as it sall pleis your sacred Majestie to mak choise of,—quho, making his first randevous at Yla, sall fra that coist the haill remanent Yllis, bothe south and north. And, becaus the convening of the forceis of this kingdome according to the proclamatioun is very uncertane, and not liklie to assure your Majesteis service in that securitie whiche apperteyneth, and we being loath that your Majesteis Lieutennent sould hasard the credite or the fortoun of your Majesteis service upoun so sclender a warrand, we haif ordanit a present levey to be maid of v^{c} men under

Edinburgh, 25th May 1608.

Letter from the Council to his Majesty as to the service of the Isles, recommending the appointment of a single Lieutenant for that service.

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wageis for his gaird; unto whome we haif appointit ten thousand merkis for thair monethlie pay and for thair transport. The payment quhairof for the first moneth your Majesteis Comptroller and Thesaurair-depute hes verie freelie undirtane; and for the secund terme we sall mak suche provisioun as goodlie may be. We hoip that the fynis of the absentis frome that service sall do this turne and moir, and we sall proceid aganis thame accordinglie. We haif ordanit the first meeting to be at Yla upoun the first of Julii, and the meeting of the Northland forceis to be at Trouternes upoun the xxiiii of that moneth. It will pleis your sacred Majestie to caus directioun be gevin to the capitanes of your Majesteis schippis and souldiouris who ar to attend this service that thay rander thameselffis obedyent to your Majesteis Lieutennent in everye thing whiche to the dignitie of his place and charge apperteyneth, and with the nixt pacquett to latt us know of your Majesteis choise for this lieutennandrie. In every other particulair concerning this busynes your Majestie wilbe fullie certifeit be the Bischop of the Yllis; who wes present with us at all oure meitingis. Unto quhose sufficiencie remitting all thingis, we end with our humble prayeris to God to grant unto your Majestie, after a lang and prosperous regnne, eternall felicitie. Your Majesteis most humble and obedyent subjectis and servitouris,—A., Cancellarius, Lotheane, Uchiltrie, Balmerinoch, Scone, Haliruidhous, Sir T. Hamiltoun, Jo. Prestoun, Bewlie, comptroller." Royal Letter 1604–1612.

Edinburgh, 30th May 1608.

Letter from the Council to the governor of Knockfergus.

"After oure verie hairtlie commendationis:—We ressaved of lait adverteisment frome our sacred Soverane the Kingis Majestie to mak a levey of tua hundreth men to be transportit frome hense for his Majesteis service in that cuntrey. According quhairunto, we haif gevin present ordour and directioun for the leveying of thir men under tua capitanes, and we sall caus all goodlie diligence be used for thair arryvaill at Knokfergus, God willing, betuix and the first of Julii nixt to come, wind and wedder serving. We sall advance thame two monethis pay, compting frome the day of thair randevous and mustouris, whiche is appointit to be at Air upoun the 20 day of Junii nixt to come, and with tuentie dayis victuallis efter thair arryvaill at Knokfergus. Quhairof we have thocht meete to mak you acquented, to the effect you may adverteis the Deputie, and frome him be certifyed of the ordour of thair imployment and service. In the meantyme we will recommend unto you to haif a speciall cair that thir tua companyis of men be weele and kyndlie used, and that ordour be tane alsweele for thair pay as victuallis. Sua we committ you to God. Your very goode freindis,—A., Cancellarius, Uchiltrie, Balmerinoch, R. Cokburne, Jo. Prestoun, P. Rollok, Clericus Registri, Sir A. Drummond." Page 129. Page 130.

Greenwich, 31st May 1608.

Letter from his Majesty to the Council,

"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele:—The lait insolent misbehaviour of the prisbitereis of Jedburgh and Chirnesyde in refuseing to conforme thameselffis to the ordinance of the Generall Assembley laitlie keept in Lynlythgow, as it can not bot be Page 130.

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muche offensive unto us, so yf it sould pas with impunitie it mycht enbolden utheris to that same contempt, and induce a confusioun in the estate of that Churche. And thairfoir we haif maid especiall choise of Sir Patrik Chirnesyde of Eist Nisbitt, knycht, for the presbiterie of Chirnesyde, and Sir Jedeone Murray for the presbiterie of Jedburgh, of whose fordwart willingnes and affectioun to oure service we have heirtofoir had mony severall proofis; quhome we have willed to repair to those presbiteryis at some tyme of thair sitting, and to mak in oure name, as oure commissionaris unto thame, ane propositioun for ressaving of the constant moderatour appointed to eache of thame by that Lynlythgow Assembley, and to caus the same then presentlie be putt to voiteis amang the brethrene of eache presbiterie. And, quhair thair salbe a generall refuse by boithe or ony one of these presbiteryis, ather by the universall consentis of the whole or of the most part of the ministeris, we have willed that oure saidis commissionaris sould then caus intimat by speciall letters a discharge to thame of that presbiterie of all forder proceding, and a prohibitioun to thame to use ony forder pouer or authoritie, with exeming of all oure subjectis within thair boundis frome ony way acknowlegeing of thame or thair jurisdictioun, as being unworthie shismatik memberis of a Churche whiche sould so withstand and contradict the conclusionis of thair generall meeting. And, wheras the acceptatioun of the constant moderatour sall pas by the greatest nomber of voites, we haif then willed the commissioner in whose presbiterie it sall so happin to insist to haif it inacted and recordit in thair presbiterie bookis. And yitt, being loath to leave those who have spent thair vennome, albeit to no greate effect, unpunished, we have thairupoun willed our saids commissionaris to denunce and registrat all suche of eache of thair presbyteryis who, the tyme that the said mater wes moved by thair voiteis, did oppose thameselffis to the passing thairof. And thairfoir you ar to caus raise such chargeis and warrantis for boith the presbiteryis for dischargeing of thame in cais they sould refuse the accepting of a constant moderatour, and for denunceing of thame who kyithis oppositis in [if?] the actis do pas, and send suche of thame as sall concerne the presbiterie of Chirnesyde to Sir Patrik Chirnesyde, and those that ar for Jedburgh to Sir Jedeone Murray, oure saidis severall commissioneris; whome we haif by oure other letters to thame bothe [instructed] to have eache one of thame a speciall cair of the discharge of his commissioun at this tyme, that so, upoun the example of this thair punishement, other presbiteryis may be affrayed frome committing the lyke insolence heirefter. And so we bid you fairwele.—To oure richt trustie," &c.—See *ante*, p. 102.

requiring them to proceed rigorously against the presbyteries of Jedburgh and Chirnside in case they refuse to accept the constant moderators who are to be proposed to them by Sir Patrick Chirnside and Sir Gideon Murray, his Majesty's commissioners.

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"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele:—We undirstand that in the late visitatioun of the kirkis within the boundis of Mers and Teviotdaill by the reverend fader in God the Bischop of Orknay, Mr David Calderwode, Mr Johnne Boyll, and George Johnestoun, ministeris within the presbiterie of Jedburgh, without regaird

Greenwich, 31st May 1608.

Letter from his Majesty requiring the Council to deal with Mr David

Calderwood, Mr John Boyle, and George Johnston, for insolence to the Bishop of Orkney in his late visitation of the churches of the Merse and Teviotdale.

of that dewitie [their offence stated in the words which will be found in an Act of Council, consequent upon this letter, printed *ante*, p. 103]. And thairfoir oure pleasour and will is that you call those ministeris befoir you, and ather caus thame, with acknowlegeing of thair former oversicht, in all dewitie to submitt thameselffis to the said Bischop, as it did become thame to haif done, or then you sall not faill, upoun thair compeirance, immediatlie to committ thame in prisone within our castell of Blaknes, thair to remayne whill we certifie you of oure pleasour. And, in caise thay sould not compeir befoir you, oure will is that you then caus denunce thame oure rebellis and prosequute oure hole ordinarie course of justice aganis thame as manifest contemnaris and dissobeyaris of oure lawis. And so we bid you fairweele.—To oure richt trustie," &c. Royal Letters 1604-1612. Page 132.

[May 1608.] Warrant from his Majesty to Chancellor Dunfermline for the admission of Mr Alexander Hay to the Council.

"Quhairas we haif thocht meete, in respect of the reddy willingnes and proofe of the bipast diligence and fidelitie of Mr Alexander Hay in all oure serviceis quhairin we had occasioun to imploy him, as lykewayes upoun the truste we haif of his continewance thairin in tyme comeing, to mak him one of oure Prevey Counsell of that oure kingdome, these ar thairfoir to will you to admitt him to that place, and caus tak his oath for that purpose. For doing quhairof these presentis salbe your warrand. —To oure richt trustie and weilbelovit cosine and counsellour, the Erll of Dunfermeling, our Chancellour of oure kingdome of Scotland." Page 133. Page 134.

[May 1608.] Warrant from the same to the same for swearing in Mr Alexander Hay as joint Secretary of State with Lord Balmerino.

"Having chosin Mr Alexander Hay to be ane of oure Prevey Counsell of that kingdome, and thinking it noway fitte that he sould still attend us heir at Courte for Scottis dispatcheis as depute to ony other, we haif thairfoir joyned him in office with the Lord of Balmerinoch, oure principall Secretarye; who being enforced through his grite imployment in oure service to continew thair for the most parte, we intend to haif the said Mr Alexander ane attendair and residentiare heir at Courte for the better dispatche of oure affairis of that kingdome. And oure pleasour is that you caus tak his oath as Secretarye unto us. Wheranent thir presentis salbe your warrand.—To our richt trustie," &c., *ut supra*.[1] Page 134.

Greenwich, 17th June 1608. Letter from his Majesty to the Chancellor for admission of Sir Patrick Home of Polwart on the Council.

"Richt trustie and weilbelovit cosine and counsellour, we greete you weele:—In regaird of the lang, trew, and faithfull service done to us by Sir Patrik Home of Polwart, knicht, we have thoght goode to honnour him with a place of a Prevey Counsellour in that oure kingdome. And thairfoir oure will and pleasour is that you tak his oath, ressave and admitt him as one of thair nomber, with all previlegeis, immuniteis and Page 134.

[1] This and the preceding document come distinctly in the month of May 1608 in the copies of them in the book of *Royal and Other Letters*, but are not more particularly dated there. From the fact that Hay received the honour of knighthood at Windsor on the 20th of May 1608, while he is here called simply "Mr Alexander Hay," it may be inferred that the warrants were issued before that date. Not till 5th July 1608 did the warrants take effect in Scotland; and then he was "Sir Alexander." See *ante*, p. 122.

Royal Letters, 1604–1612.

liberteis belonging thairunto, to be injoyed and broukit be him in all tyme comeing. And so we bid you fairweele.—To oure richt trustie," &c., *ut supra*.—See *ante*, p 126.

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"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele:—Quhairas thair wes speciall commissioun granted unto you, in respect of the Erll of Dunbar, our Thesaurair of that oure kingdome, his stay and attendance at oure Courte heir, to haif the charge of the said office of Thesaurarye in componing of all signatouris and doings of ony

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thing els that the said Erll of Dunbar as oure Thesaurair micht haif done yf he had bene still their present. And now, since he is returning to that kingdome to tak some farder course for the discharge of his office, oure pleasour and will is that your commissioun sould cease, and that you renunce all pouer gevin unto you thairby, to the effect that he may tak suche forder ordour thairwith as we haif speciallie willed him to do for the discharge of that office heirefter. And so we bid you hairtelie fairweele.—To oure richt trustie and weilbelovit cosines and counsellouris, the Erll of Dunfermling, and remanent commissionaris appointed for the oversight of the affairis of the office of Thesaurarie of that oure kingdome of Scotland."—See *ante*, p. 127.

Greenwich, 20th June 1608. Letter from his Majesty discharging the compositors who have assisted the Treasurer-depute during the absence of the Earl of Dunbar, High Treasurer.

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"After oure verie hairtlie commendationis:—Having ressavit directioun frome oure most sacred Soverayne, the Kingis Majestie, to send over tua hundreth men of warr for assisting and furthering his Majesteis service in that kingdome, aganis the traterous and disloyall subjectis who disturbit the peace and quietnes of that Estate, we haif accordinglie sent thame unto you under the charge of thir two gentilmen, Capitane Patrik Craufurde and Capitane Williame Stewart, with speciall commandiment to follow your directioun in every thing quhill the forder knowlege of the will and pleasour of the Lord Deputye, or utheris haveing his Heynes royall pouer and authoritie, unto quhome we doubt not bot thay sall approve thameselffis worthie of all suche imployment that salbe injoyned unto thame. And thairfoir we have heirby recommendit thame unto your favourable and kynd usage, requeisting you effectuuslie, seing thay ar strangearis and not acquented with the conditionis and customes of that cuntrey, that you will haif the greatair regaird of thair suirtie, and in all suche serviceis quhairwith you ar to burdyne thame that ordour may be tane how thay may be provydit with victuallis and assisted with goode guydis to convoy thame throuch the cuntrey. They ar alreddy advanceit with tua monethis pay fra the xx day of Junii instant quhill the tent day of July nixt. In everie uther thing importing the peace and quiet of that Estate we sall testifie that goode affectioun whiche to oure charge and credite apperteyneth.

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So we committ you to God. Your very loving freindis,—Al., Cancellarius, Balmerinoch, Blantyre, Haliruidhous, A., Master of Elphingstoun, Sir T. Hamiltoun, Quhittinghame, Clericus Registri."

Edinburgh, 21st June 1608. Letter from the Council to the Governor of Knockfergus, acquainting him with the despatch of 200 soldiers for assisting against the Irish rebels.

Edinburgh, 13th July 1608.

Letter from the Council to the Governor of Knockfergus, forwarding a letter to the Lord-Deputy of Ireland.

"After oure verie hairtlie commendationis:—Having the occasioun of some advertisment concerning his Majesteis service to be send unto the Lord Deputie, whiche requiris a reddy and present dispatche, we haif thairfoir send the same unto you, requeisting you effectuuslie to caus this other letter be directe and send to him with suche goodlie diligence as possiblie may be. Quhairby as you sall do unto us acceptable pleasour, so you will do unto his Majestie very good service. So we committ you unto God. Your verie goode [freindis,—A. Cancellarius, Dunbar, Lotheane, Uchiltrie, Blantyr, Haliruidhous, Scone.—To oure right traist freind the Governour of Knokfergus." Royal Letter 1604–1612. Page 136. Page 137.

Edinburgh, 13th July 1608.

Letter from the Council to the Deputy of Ireland, concerning soldiers sent from Scotland for service against the Irish rebels, and concerning the relations of Ireland and Scotland generally.

"After oure verie hairtlie commendationis to your goode Lordship:— The Kingis Majestie, oure most sacred Soverayne, having maid choise of the Lord Uchiltrie to be his Heynes lieutennent for prosequutioun of this intended expeditioun aganis the Ylandis of this kingdome, we haif thoght meete to notifie the same unto your Lordship. And, althoght his sacred Majestie, in his princelie and tender affectioun whiche he indifferentlie beiris to the subjectis of boithe kingdomes, hes gevin directioun that two hundreth sojouris salbe sent frome thense to the furtherance of this service, with suche forder supplee as the necessitie sall require, yitt it becometh us, in whome his Majestie doeth repoise the trust of his affairis heir, to haif a cair and regaird that no unnecessair burdyne be layed upoun his Majesties subjectis; and thairfoir we will intreate your Lordship to haif thir sojouris alwayes in reddynes attending in some commodious parte upoun the coist most ewest to oure Yllis, quhair thay may be transportit and send over as the occasioun sall present and as your Lordship salbe adverteist frome the Lieutennent; who wilbe verie spairing of thair travellis unles a present and urgent necessitie so requiris. And, becaus outward showes and rumouris and appeiranceis of great preparationis doeth oftentymes abait the pryde and courage of rebellis, and moveth thame to rander thameselffis conformable, whenas the appeirance of small and waik forceis encourageis thame to persist in thair rebellioun, we will lykewayes intreate your Lordship to mak outward professioun and showe that some greate forceis and preparationis ar to be sent over to your Lordship, and that your Lordship will nevir forbeir the sending over of forceis so lang as ony parte of thir Ylandis contineweth dissobedyent; wherby we ar of opinioun that, in regaird of the preparatioun whiche we haif appointit under the commandiment of oure Lieutennent, your Lordship salbe fred of ony forder burdyne in that service. And, seeing oure most sacred Soveranes tender cair and affectioun towardis all his Majesteis subjectis doeth so evidentlie and manifestlie appeir in all his Heynes royall and princelie directionis and actionis, so it becometh us, who ar memberis of one body under so gratious a soverayne and head, and who aucht to be sensible of otheris harmes, to cary the lyke affectioun ane to another; and thairfoir we wald be glad at everie occasioun to heir frome Page 137. Page 138.

Royal Letters, 1604–1612. your Lordship, and to intertenye that mutuall correspondence with your Lordship for the publict advancement of his Majesteis service whiche becometh feeling memberis of so gratious a heade; wherin we sall omitt nothing whiche to your charge, credite, and place apperteyneth. Lykeas this nobleman, the Lieutennent, during the tyme of his charge in this service, wilbe no les cairfull to keepe the lyke correspondence with your Lordship, and wilbe reddy with his pouer and forceis to come over to you, yf ony suche necessitie sall intervene and fall oute as may require his personall presence with you, or the service of ony suche as ar under his commandiment. For so greate is the most gratious cair of oure deir Soverane that, oute of his grite wisdome and providence, his Majestie hes commandit all the subjectis of this his Majesteis cuntrey to mak thair particulair mustouris, to the effect that thay may be in the better reddynes for ony intervening occasioun within the cuntrey quhairof you haif the governament,—whiche directioun, according to our dewyteis, we haif performed, and can not bot signifie unto you that we do find all oure people and subjectis heir in goode reddynes, and, to the grite conforte of oure hairtis, all most willing and weele affectit to come to that cuntrey to venture thameselffis in his Majesteis service, and to go with you with hand in hand, harte in harte, and foote for foote, to the performance and execution of everything that may ather tend to the honnour of oure deir and most gratious Soverayne or to the quieting and goode of that Estate. We haif lykewayes thocht meete to signifie unto you that the 100 sojoris quhilkis be our gratious Soveranes directioun ar send over frome hense to you haif ressavit thair pay for two monethis, compting from the xx day of Junii to the 20 day of August nixt; bot, becaus we undirstand not quhat wes the conditioun and allowance of pay to the capitanes and sojouris of that cuntrey, and knowing that, yf oure allowance wer moir large nor
ge 139. that whiche is the ordinair pay of that cuntrey, that the same wald breid some miscontentment to the capitanis and sojouris serving under you, we haif thairfoir tane this course with oure people, that at the expyring of the two monethis pay they sall submitt thameselffis to the ordour and conditioun of pay dew to his Majesteis capitanes and sojouris in that cuntrey. Whiche you sall signifie unto thame; and, yf thay refuse to accept of that conditioun, you may freelie brek thame and returne thame bak at your pleasour. And so, desiring nothing moir nor to heir of your goode succes in your affairis, and that you will latt us heir at everie occasioun quhat in your awne wisdome and discretioun you sall think fitting to require of us, with oure hairtie rememberance of love and kyndnes, we bid you hairtelie fairweele, committing you and all your actionis to Godis divyne protectioun. Your verie loving and assured goode freindis,—A., Cancellarius, Dunbar, Lotheane, Balmerinoch, Scone, Blantyr, Haliruidhous, Jo. Prestoun, Sir T. Hammiltoun, A. Hay.—To oure verie honnorable goode Lord, the Lord Deputie of Yrland."

ge 136. "Most Sacred Soverane:—Thair hes ane unhappy accident fallin oute

Edinburgh, 14th July 1608.

Letter from the Council to his Majesty anent the slaughter of Lord Torthorwald that day in the High Street of Edinburgh.

heir this moirning betuix sax and sevin of the cloke, by the slaughter of James Douglas of Torthorwall, committit be Williame Steuart, son of umquhile Sir William Steuart; quho, althoght the principall pairtie had aggreit with the said umquhile James, and ressavit assyithment and satisfactioun to his awne contentment, the said Williame misknew this aggreement, past to the horne for not geving assuirance, and awaitit the occasioun of this moirning: quho finding the said James simplie accompanyed upoun the hie streit, a litle beneth the croce, he disperatlie sett upoun him, and with ane straik slew him; and, the gait being quiet, he eschaiped. We have causit charge the pairtie to compeir and ansuer, and sall prosequute and follow out all other ordinarie course of law and justice quhilk is usuall and accustumat in the lyke caiseis, and in cais of his not conpeirance sall caus denunce him, and thairupoun direct commissionis to the ordinair magistratis of the cuntrey for the persute of him, with proclamationis contening a promeis of rewaird to ony personis who will tak him. Quhairof we have thocht meete to mak your sacred Majestie acquented, and in all reverence sall conforme oureselffis to quhatsomevir forder directioun it sall pleis your Heynes to gif in this mater. And sua, praying God to grant unto your sacred Majestie a lang, happy, and prosperous regnne, and eternall felicitie, we rest your Majesteis most humble and obedient subjectis and servitouris,—A., Cancellarius, Dunbar, Craufurde, Lotheane, Lovat, Balmerinoch, Blantyr, Haliruidhous, Burley, R. Cokburne, Sir J. Skrymgeour of Dudop, Sir T. Hamiltoun."—See *ante*, p. 129 and n. Royal Letters 1604–1612.

Lochryan, 17th July 1608.

Letter from Sir William St John to the Council, acquainting them with his arrival at Lochryan with English ships for service in the West Isles, and enclosing a copy of his instructions from the Earl of Nottingham, Lord High Admiral of England.

"Richt Honnorable:—It may pleis your Lordships undirstand, according to the instructionis gevin me by the richt honnorable the Lord Heich Admirall of England, I am arrived at Lochryane, in his Majesteis schip callit 'The Advantage,' to attend suche directionis frome your Lordshipis as salbe gevin me in charge for his Heynes service. Humelie desiring your Lordships to hold me excused that I can not accommodat myselff to wayte on your Lordshipis, for want of horssis, quhairof I can not be on the suddane provydit in these pairtis, nochtwithstanding I presome that the gentilman the beirair heirof can sufficientlie satisfie your Lordshipis of my expeditioun hither, togidder with my instructionis,—the copie quhairof I have herewith send unto your Lordshipis to be perused. Thus, with my prayeris for the goode succes of all your honnorable desynementis, I humelie rest your Lordshipis in all deutifull service,—William St Johnne.—To the richt honnorable the Lordis of his Majesteis most honnorable Prevey Counsell of Scotland." Page 139.

"Instructionis for Sir Williame St Johnne, kyncht, appointed Admirall of his Majesteis schippis 'The Advantage,' 'The Moone,' and the gallay 'Mercurye,' imployed for the service of Scotland. Page 140.

"You sall furthwith repair unto Chattam, where you sall find in reddynes 'The Advantage,' weill fitted, manned, and victualled for sex monethis; of whiche you sall tak the charge and command as Admirall.

Royal Letters, 1604–1612.

"With hir you sall haisten for the West Yllis of Scotland, quhair you wer the last yeare; quhair in Lochroyane you sall find his Majesteis pynnace 'The Moone,' and the gallay 'Mercurye,' bothe whiche you most tak into your company under your command.

"At your first arryvaill thair you sall with all possible expeditioun signifie your comeing unto the Lordis of the Counsell of Scotland, and that you ar send to attend and follow suche forder serviceis as thair Lordships sall direct you, and suche other instructionis as you have frome hense.

"You sall alsua signifie unto the Lordis of the Counsell that the gallay 'Mercurye' is appointit to remane thair for ever, and thairfoir thair Lordshipis may order heir as sall best lyke thame; forder telling thair Lordshipis thay must be cairfull to reserve oute of hir victualling suche a proportioun of victuallis as may suffice to bring home agane those men whilkis ar appointed to carye hir thither,—whiche must be done quhen the Admirall salbe reddy to call for thame.

"And of suche occurrenceis as happen in this your employment, and ar fit to be advertissed, latt me haif intelligence frome tyme to tyme, als convenientlie and als often as you may. And so God blisse you in your voyage. At Grenewiche 12 of Junii 1608.—*Sic subscribitur:* Notinghame."

age 140.

"After oure verie hairtilie commendationis:—We ressavit your letter, with the copie of your instructionis gevin to you frome the Lord Heich Admirall of England; quhairby we undirstand of your arryvaill at Lochryane and of your reddines to attend his Majesteis service according

age 141.

to your instructionis and as you salbe directit frome hense. Quhairin as you do testifie your goode dispositioun to performe that charge committed unto you, whiche we do acknowlege with all dew thankis, so we haif thoght meete to signifie unto you that the charge and directioun of this haill service is concredite be oure most gratious Soverayne to the Lord Uchiltrie [*ante*, p. 113]; by whome you wilbe informed particularlie quhat is fitte and necessair to be done be you in this service, and wherin you ar to be directit and imployed,—unto whome you must gif your obedyence, and conforme yourselff to every suche thing as he sall injoyne unto you. And sua, remitting you unto him, who will use you with all kyndnes and freindship, we committ you to God. Your very goode freindis,—A., Cancellarius, Dunbar, Lotheane, Balmerinoch, Blantyr, Haliruidhous, J. Cokburne.—To oure richt traist freind Sir Williame St Johnne, capitane of his Majesteis schip callit 'The Advantage.'"

Edinburgh, 22nd July 1608. The Council's answer to Sir William St John's communication. They refer him to Lord Ochiltree, as Lieutenant of the West Isles.

ge 141.

"After oure verie hairtlie commendationis to your goode Lordship:—We ar adverteist frome Sir Williame St Johnne of his arryvaill at Lochryane with his Majesteis schip callit 'The Advantage,' as by his letter and instructionis gevin to him frome the Lord Admirall of England, quhairof we haif heirwith send unto your Lordship a copy, you may persave. We haif returnit unto him oure ansuer, declairing that the chairge of the said service is concredite unto you, and that he must needis

Edinburgh, 22nd July 1608. Letter from the Council to Lord Ochiltree in the matter of the two preceding letters.

follow your directioun in every thing concerning the same. And thairfoir these ar to requeist and desire you to caus this oure letter be sent unto him with diligence, accompanyed with your awne letter to acquent him particularlie of your will and pleasour quhairin his service is requisite and expedyent, and that you will use him freindlie and kyndlie, that at his returne home he may haif occasioun to reporte the best of you. You will lykwayes know be thir instructionis that his Majestie hes appointit a gallay to remane and abyde heir for ever: thairfoir, at the expyring of your service, your Lordship wilbe cairfull to see this gallay placeit in some commodious and sure harborey, quhair sho may ly in suirtie and be free of the Yllismen, and be in reddynes at all occasionis for his Majesteis service; and at the expyreing of your service that you suffer the hole company, equippage, and rowaris in the gallay returne at thair pleasour, and onlie retene the gallay with hir artaillerie, munitioun, and ornamentis; and that you haif a regaird to reserve of her victualling suche a proportioun as may suffice to carye home those men who do now attend upoun hir; and at your comeing to Yla that you acquent us quhat obedyence you do find in the Yllismen, and what likliehoode thair is of the obedyence of those of the North Yllis, to the effect we may gif ordour and directioun anent the North Yllis as apperteynis. And sua, recommending thir materis to your awne wisdome, we bid you fairweele. Your Lordships very goode freindis,—A., Cancellarius, Dunbar, Lotheane, Balmerinoch, Blantyr, Haliruidhous." Royal Letters, 1604–1612. Page 142.

Manor of Theobalds, 20th July 1608.

Letter from his Majesty to the Council "anent the forme of Hairtsydis caise," commenting on a criticism of that case by a number of Scottish lawyers, and requiring the Council to take order with these "pettyfoggeris."

"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele:—Thair hes bene of lait send unto us a forme of Hairtsydis case, as thay terme it in this cuntrey [pp. 79–80], subscryved with the handis of a greate nomber of lawyeris in that oure kingdome, contening in sume how far we mycht by law proceede with hir. The other particulair contentis we cease to insert heir, becaus we persuade ourselffis you haif alreddy sene it. And, because the *emendicata suffragia* of those pettyfoggeris may justlie be suspectit, especiallie being gevin efter the tryale of the said Hairtsyde, when hir advocattis wer *functi officio*, and that mater nothing concerning ony of the rest, we haif most just caus to think it a verie heich point of presumptioun in thame so muche to contemne our authoritie as, unrequired ather by us or you, to meddle with a mater so neirlie tuicheing us, and as it wer *edelitio edicto* to prescryve to us what we micht or sould declair in the significatioun of oure pleasour concerning hir. It is thairfoir oure will that you call befoir you every one of those who haiff sett thair handis to that caise, to inquire of thame what reasoun thay had and by what authoritie thay did medle with that mater in that sorte, and, except thay gif a better answer then we think thay can gif, that you committ thame to warde, and advertise us particularlie of thair answer and your awne opinioun, that we upoun your advertisment may tak suche forder ordour in that mater as we sall think aggreable to reasoun. And so we bid you hairtelie fairweele.—To oure richt trustie and weilbe- Page 147.

Royal Letters, 1604–1612.

lovit cosines and counsellouris, the Erll of Dunfermling, our Chancellour, and remanent Lordis and utheris of oure Prevey Counsell of that oure kingdome of Scotland."

age 147.

age 148.

"Most gratious Soverane:—We ressavit your Majesteis letter contening your Heynes directioun to call befoir us suche lawyeris as sett thair handis to that forme of Hairtsydis caise send up to your Heynes, and to proceede aganis thame accordinglie. Quhairin we wer most cairfull to haif gevin unto your Majestie satisfactioun; bot, becaus we wantit the principall letter whiche wes subscryvit be the lawyris, quhairby we micht haif led a formall proces aganis thame, we haif sufferrit that mater to rest quhill it sall pleis your Majestie to caus the principall be send doun: at whiche tyme we sall so proceede in that mater as we sall gif your Majestie satisfactioun. We haif conferrit with some three or foure of the principallis of the lawyris, quho seameth to misknow the tennour of the letter and write sent up, so that we could find no mater nor purpois wherupoun to challenge thame.[1]

[Edinburgh, July 1608.] The Council's answer to the preceeding from his Majesty, containing also a reference to him of a petition of the burghs for restraint of the exportation of coal.

"Thair hes bene a petitioun gevin to your Majesteis Counsell be the burrowis craving a restreant to be maid of the transporting of burne-coill;

[1] For the beginnings of this "Hartsyde case," or charge against Margaret Hartsyde for stealing pearls and other jewels of the Queen, worth £300, and against her husband, John Buchanan, for his interest (*i.e.* because of their relationship), see *ante*, pp. 79, 80. In explanation of this letter and the preceding the following particulars may be useful:—On the 31st of May 1608 Margaret had at last been brought to open trial by assize in Linlithgow, presided over by justice-depute Mr William Hart, the King's Advocate prosecuting. An account of the trial will be found in Pitcairn's *Criminal Trials*, ii. 544–555. It there appears that Margaret was able to employ the very best counsel and every ingenuity of the law in her defence, and that actually the jewels in her possession had not come to her by any process describable as theft, but rather in the way of perquisite or virtual gift during her attendance on the Queen in England between 1603 and 1607, or that at all events the jury took this view of the matter. They found her "culpable and convict of unlawfull and undewtifull subtracting and detening," but not guilty of stealing. On this verdict she had been kept still in custody till the King's pleasure should be known. Meanwhile, the case, partly because some court scandal seemed to lie underneath it, partly because of its legal peculiarities, had excited unusual interest among the Edinburgh lawyers; a number of whom had, it appears, after the trial, published or circulated among their legal brethren some disquisition on the law-points involved. Irritated already by the escape of Margaret Hartside, and perhaps by the threatened continuation through her means of some Court-secret of which she was the depository, the King had been doubly irritated by this interference of so many Edinburgh "pettifoggeris," as he calls them, in a matter in which he thought they had no concern. Hence his letter to the Council, and the Council's reply, as printed in the text.—On the very day of the King's letter here printed, 20th July 1608, he had sent to the Scottish judges another letter, which will be found in *Pitcairn*, pp. 555–6, declaring his will as to Margaret Hartsyde. It was that another Justice Court should be held at Linlithgow, and that there, "howsoevir the assize acquit hir of the cryme of thift," it should be intimated that her offence was "alse infamous as gif it had bene done be direct stelth," on the ground that "thair can be no difference between the unlawfull medling with anything belonging to the Quene our darrest bedfellow her person and our awin,"—and that accordingly she should be declared *infamous* and banished for life to the Orkney Islands, the value of the abstracted jewels to be at the same time recovered from her and her husband's goods. On the 10th of August this doom was actually pronounced upon her in a special court at Linlithgow under Mr William Hart's presidency, the sum to be recovered for the jewels being valued at £400 sterling or £4,800 Scots.

bot, becaus sindrie of your Majesteis liegeis hes gottin licenceis for transporting of coillis in consideratioun of the great chargeis and expenssis whiche thay haif sustenit and daylie undirlyis in winning and upholding thair coilheuchis, we haif deferrit the ansuering of that petitioun till the knowlege of your Majesteis pleasour, we being loath to quarrell your Heynes licenceis without your Majesteis allowance. And so, most humelie recommending your sacred Majestie and all your royall progenye to the Lordis protectioun, we rest your Majesteis most humble and obedyent subjectis and servitouris,—Al., Cancellarius, Lotheane, Sanquhar, Elphinstoun, Balmerinoch, Blantyre, Ros, James Hay." Royal Letters, 1604–1612.

[Ulster, July 1608.]

Letter from Sir Harry Chichester, Lord-Deputy of Ireland, to the Council, informing them of the suppression of the insurrection in Ireland, and warning them of Irish fugitives likely to escape to Scotland.

"My verie goode Lordis:—The traytour Odoharty, who, as your Lordshipis haif hard, had added rebellioun unto his sinnis, is latelie cutt of by the just judgement of God, to showe in quhat detestatioun He holdeth ungraitfull, disloyall, and impious subjectis, and to mak His promeis goode in this, that all suche wicked courseis sould haif thair issues into the wayes of death. All the rebellis of his pairtie ar thairupoun brokin, and scattered all abroade amang thair freindis and into the woodis, not now to be hard of. So as it is bot a meir accident yf we can lyght bot upoun a few of thame, the cuntrey being inclynned to abett and chereis most of thame rather then to further the prosequutioun of thame. Mony of the rebellis will indevoir to withdraw thameselffis oute of the realme. Amang all the rest thair is a base bruther of Odohartyie, and one Phelim Reaugh M^cDavid, Sir Cahir Odohartyis foster bruther, and his cheif counsellour and actor in this treasoun and rebellioun; who, as I am credibillie informed, ar bothe of thame lurkeing about the sea costis of Ulster, awaiting oportunitie and meanis to eschaip hence into some parte of that kingdome. Wherfoir I pray your Lordshipis to lay diligent watcheis in all the portis and creikis of that realme, to apprehend thame and als mony otheris as shall flee thither, yf possiblie you can. We haif heir proscribed Phelime and layed a price of 200 lib. upoun his head, and haif promissed pardoun and impunitie to ony persone that sall bring him, alyve or dead. The lyke your Lordshipis may publishe and proclame on that syde, yf you pleis. I formerlie adverteist your Lordshipis that mony of the Grames laitlie confynned be his Majestie into this realme, togidder with the souldiouris sent hither oute of Northumberland, Cumberland and Westmerland, ar transported oute of this kingdome daylie by personis of that realme that do frequent those coastis for trade. This thay do mony tymes in sicht of suche as ar interessed thairin,—I meane capitanes and officiaris. I beseik your Lordshipis to redres this fault in thame, yf possiblie it may be. So I commend your Lordshipis unto the divyne protectioun, and remane, at your Lordshipis honnorable occasionis, —Harie Chichister.—To the richt honnorable my verie goode Lordis the Lordis and utheris of his Majesteis Prevey Counsell of Scotland."[1] Page 142. Page 143.

[1] For the effect of this letter on the Scottish Privy Council, see *ante*, p. 136, and p. 139, under dates 23rd July and 2nd August 1608.

Royal Letters, 1604-1612. Page 143.

The Camp, near Dungannon in Ulster, 27th July 1608. Letter from Sir Harry Chichester, Lord-Deputy of Ireland, to the Council, recommending Captain Bingley, and describing the state of Ireland and commenting on the quality of the Scottish levies that have been sent thither.

"My verie goode Lordis:—It hes now pleasit his Majestie and the Lordis of the Counsell in England, according to the former resolutioun takin in that behalf, to send over some schipping for the expeditioun aganis the undeutifull subjectis of the oute Yllandis of that realme, so furnissed as for the present doeth require no suche forceis frome hence as at first wes intendit and appointed: thay knoweing weele aneuch that the insurrectioun of ill subjectis heir and the expectatioun of greatair dangeir did require not onlie the increse of the King's armey, bot alsua the continuall residence of thame heir in placeis convenient for repressing and diverting of all innovationis and attemptis, intestine or foreyne. The beirair heirof, capitane Bingley, capitane of his Majesteis galley, hath bene speciallie recommendit unto me from the Lordis, and evin so must I recommend him over unto you, as a gentleman of goode qualitie that hes long served in these late wearis in office and with goode reputatioun for his place: praying your Lordshipis to be pleased to favour and further him in all his lauchfull caussis, as may best beseame for the advancement of the Kingis service and the encouragement of the gentleman to deserve wele of his Majestie and the publicque. The galley is yit victualled, as I am informed, for three monethis at least. When it salbe question of revictualling hir or ony uther of the shippis appointed for these partis, or payment of the souldiouris within thame, I salbe evir reddy to affect quhatsoevir his Majestie or thair Lordshipis sal signifie unto me in that behalf,—whiche I am yitt in expectatioun of. Amang other of the new

Page 144.

forceis laitlie arrived heir thair ar 200 voluntaris come oute of that realme, under the command of Capitane Steuart and Capitane Craufoorde. The one half of thame I have heir sein, and find mony of thame to be young ladis, and all for the most parte so badlie clothed and armed as lichtlie the lyke hes nevir bene sufferrit to pas in ony former musteris heir. The rest of thame at Craigfergus, quhair they first landit. All whiche I thoght fitte to certifie unto your Lordshipis. The rebellis heir ar so dispersit and scattered all abroade this west cuntrey as we ar not able to do ony notable service aganis thame with the Kingis forceis. Most of that we do is by practize and setting on of thame aganis the other; by meanis wherof mony of thame ar daylie apprehendit and broght to justice. This is all for the present that I thocht fitt to wryte, being desirous to dispatche away this gentleman with all possible speed, having detenit him heir bot one night. So I bid your Lordshipis hairtelie weele to fair.—I write to your Lordshipis of late contening ane advertisment how Phelemy Reaugh intendit to escaip hence into that realme, whiche I hoip is come to your handis. The man is of a meane statur, stronglie maid, a great hairy blakishe beard, his head inclyneing to baldnes, and aboute the age of 40 yeirs. I pray your Lordshipis to intercept him yf he come thither. Your Lordshipis to do you faithfull service,—Harie Chichister.—To the richt honnorable," *ut supra.*

Page 145.

"My verie goode Lordis:—Yisterday I ressaved your Lordshipis letter

The Camp near Culraine, 3rd August 1608.

Letter from the Lord Deputy of Ireland to the Council of Scotland, concerning Irish affairs and the Scottish troops in Ireland.

of the xiii of the last moneth, full of love and goode affectioun to the furtherance and advancement of the Kingis service boithe thair and heir, and with demonstratioun also of the lyke forsight and actuall provisionis alreddy maid to that effect, bothe for the present and future tyme. For the whiche as I am bundin to congratulat with your Lordshipis in his Majesteis behalff, and to returne hairtie thankis for my awne particulair interest thairin whill I continew this imployment, so I assuir you that my service and dewitie sall not be wanting at ony tyme in that mutuall intelligence and correspondence whiche I desire may continew betuix your Lordshipis and myselff, according to the overtur alreddy made for the publicque weele of bothe kingdomes and the discharge of oure bundin dewyteis to his Majestie. And for the present I will not onlie mak outward professioun and showe, whiche your Lordshipis do prudentlie advise, to imploy far greatair forceis for that expeditioun aganis the oute ylandis of that realme, bot will alsua have 200 souldiouris alwayes in reddynes at Craigfergus to ansuer ony needfull occasionis thair with effect. The onlie impediment of oure syde yitt knowne will be the want of convenient transportatioun and pilottis to suche place or placeis as you sall think fitte: a mater necessarye to be imparted unto your Lordshipis afoirhand, that not onlie those thingis bot victuallis also may be thair prepaired and had in reddines for thame at thair comeing. But I beseeche your Lordships to reserve oure service and travellis for necessarie and eirnist occasionis onlie, as your Lordships lykewayes think it convenient. For, nochtwithstanding that Phelmy Reaugh and the base bruther of the late tratour Odoharty (for the apprehensioun of bothe whiche I laitlie write unto your Lordships), with all other the principall rebellis, bot speciallie those that did shedd ony bloode or wer actouris at the spoilling of the Derey, ar ather slane, execute, or apprehendit, yitt we heir greate rumouris of preparationis abroade, and the same in reddynes to transporte the fugitives over in this realme; whiche yf it sould prove trew in effect (whiche God forbid), we salbe rather fitt to intertaine your Lordshipis helpis heir then to yealde you ony succore frome hense for that expeditioun to the Ylandis. I desire to heir agane frome your Lordships, yf it be possible, agane my comeing to Craigfergus,—whiche I hoip wilbe within ten or tuelff dayis, or els als sone after as your Lordships please; and, as we salbe able, so I will not faill to observe your directioun. Your Lordshipis letter concerning that parte of the interteynement of the 200 new souldiouris whiche wer sent from thense come to my handis in very good tyme, and upoun the day quhairin they exhibited thair demandis for continewance of thair intertenymentis heir efter the same allowance whiche your Lordshipis and your Estate thair did gif thame for two monethis befoirhand,—whiche is greatair nor his Majesteis ordinarie intertenyment heir at this tyme by abone 35 lib. a moneth for eache company of 100. Bot my caise is suche as I can nouther increse thair intertenyment abone the ordinarye nor yitt brek and dismisse thame hame agane, in caise thay refuse oure randevous and desire to returne,

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without speciall directioun and warrand frome his Majestie and thair Lordshipis, signifeing his Heynes pleasour in that behalf. I haif certifyed the Lordis of the Counsell in England with thair demandis and your Lordshipis said letter. The capitanes ar willing to serve for thair awne pairtis as we do, and to treate with thair souldiouris to accept of oure ordinarie interteynement, and not to urge thair demandis ony forder, with suche inconvenience as will redound thairof. Quhidder thay can privatlie or not, or what the Lordis will write bak hither agane in ansuer of my

ge 147.

letters in that behalff, your Lordshipis sall heirefter understand as I sall haif meanis and occasioun. In the meantyme I tak my leave, and restis, at your Lordshipis honnorable commandiment,—Harie Chichester.—To the richt honnorable my verie goode Lordis, the Lordis and utheris of his Majesteis Prevey Counsaill of Scotland."

ge 144.

"After oure verie hartlie commendationis to youre goode Lordship:—It hes plesit the Kingis Majestie, according to his Heynes former resolutioun, to send over ane gallay, by and attour the schippis formarlie sent over by his Heynes for that expeditioun aganis the Yllis. Off the whiche gallay the beirar heirof, Capitane Bingley, is capitane and commandair. He is recommendit unto us frome the Lord Deputie as a gentleman of goode qualitye, who with goode credite and reputatioun has long served in the wearis. And thairfoir we now recommend him unto your Lordship, praying your Lordship to ressave him kyndlie, and in all suche imployments quhairwith you sall burdyne him that it will pleis you to showe

ge 145.

unto him suche favour and assistance as may best advance his Majesteis service, and encourage the gentilman to deserve wele of his Majestie. His gallay is victualled, as we are informed, for three monethis at least. This is the gallay whiche is appointit to remane still heir; and thairfoir your Lordship will remember of oure other letter send unto you,—that, after the expiring of the three monethis, the capitane and whole equippage of the gallay may be sufferrit to departe, sua that his Majestie be not drawne to forder chargeis for thair pay and wageis; and that your Lordship will haif a speciall cair that the gallay, with hir proper munitioun and ordinance, be putt in some commodious and sure place, especiallie in Air, whair you sall delyver hir in custodie to the provest and baillies of Air, to the effect sho may be furthcomeand to his Majesteis at all occasionis. So we committ you to God. Your Lordshipis verie goode freindis,—Al., Cancellarius, Dunbar, Crauforde, Lotheane, Saltoun, Blantyr.—To oure verie honnorable goode Lord, the Lord Uchiltrie."

Edinburgh, 9th August 1608. Letter from the Council to Lord Ochiltree, recommending Captain Bingley, commander of an English galley, to his attention.

ge 150.

"Pleis your goode Lordshipis:—The occasioun of my lang abyding in Air and not imbarking quhill the penult of Julii last wes pairtlie by the lait resorting of some of my wageit men, as lykewayes the slaw incomeing of the people of those schirefdomes that wer appointit be your Lordshipis for this jornay, and pairtlie the contrair windis. And, albeit nouther Glasgow, Galloway, the steuartrie of Kirkcudbrycht, nor the gritest parte

Islay, 12th August 1608. Letter from Lord Ochiltree to the Council, acquainting them with his proceedings in Islay against

the Clan Donald, his arrest of Irish fugitives, &c.

of the baronis of Renfrew hes be ony of thair presenceis acknowlegeit his Majesteis proclamatioun, yitt I haif putt my hand to work, and hes committit the mater to the providence of God. And, being in nomber scairse nyne hundreth men, as your Lordshipis salbe moir particularlie informed heirefter, I arryvit at Yla in the raid of Ylintaxa, neir by the castell of Dunyvaig, the secund of this instant a little efter the sone-setting,—in nomber of veshell tuo Inglishe shippis, the one under the conduct of Sir Williame Sanct Johnne, callit 'The Advantage,' quha behavis himselff verie cairfullie and honestlie in all occasionis of this service, the other under the governament of Owne Wenne, ane followar of the other with ane pynnage, with other tua Scottis schippis of my awne, togidder with ten barkis. Immediatlie, ankeris being cassin, I causit proclamatioun be maid that no man sould pas to the schoir nor ressett nane frome the schoir without speciall licence gevin be me to that effect. Upoun the thrid, airlie, Angus M°Coneill and some of his speciall freindis come to schoir and desirit acces for conference with me; whiche I refusit quhill forder I hard of thair obedyence. And, to try the same, I directit my Lord Bischop of the Yllis furth to speeke thame; quha, efter conference with the said Angus, fand him in his wordis very conformable to his former promissis, bot, being tuicheit in speciall with the delyverie of the house, seamed to schift some thing and to cast the burdyne thairof upoun his sone Alexander, quha for the present absentit himselff. The quhilk being reportit to me be the said Bischop, I directit him bak agane to assure thame, without present delyverie of the house, that I wald lay presentlie seadge thairto. Off the whiche sa sone as thay wer informed, and seeing me mak preparatioun thairto, the said Alexander come furth of the house for conference with my Lord Bischop; who, without conditioun, offerrit himselff in all humilitie in my will, and promeist to my Lord Bischop in taikin thairof to delyver the house to me upoun the morne,—whiche wes the ferd day befoir ten houris befoir none,—desiring my Lord Bischop to assure me of the same, and to crave licence of conference with me to his fader and himselff in the meantyme; whiche I planelie refusit quhill efter delyverie of the house. The whiche thay did the hour foirsaid; and, the same being ressavit be my servitouris, and thay and all thairis excludit, the castell then being maid sure in my keeping, I grantit licence to Angus, and Alexander his sone, with uther tuo of his best freindis, to come aboarde of my awne shipp; quhair thay all in ane voce with all humilitie offerrit to performe quhatsoevir thing the said Angus had promeist or subscryvit of befoir. This turne being done, my secund cair wes to mak diligente searche to know yf ony of the Yrishe rebellis had arryvit in the Yle. And, for this effect, haveing sent searcheouris in all pairtis of the Ile, I apprehendit twa of Odoharty his disperat company; and I haif committit thame in the castell of Dunyvaig in yrnis; whome I sall keepe quhill I heir forder of your Lordshipis directionis. As for thair ressettaris, I haif putt thame under cautioun to compeir befoir me quhat tyme I pleis call for thame. And, heiring a brute that thair wes

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some ma come lykwayes to this Ile, I not onlie sent certane of my awne sojouris, bot Alexander Oig, to mak inquisitioun for thame; whome I find verie diligent and cairfull in that service and in all utheris my imployments. I am alsua informed that some of thame ar gone to Kintyr; quhairfoir it salbe goode that your Lordships write to the Erll of Ergyle thairanent, as I haif done alreddy. And in the meantyme I sall not be cairles to watche all thir boundis, conforme to your Lordshipis last letter. Quhill this wes in doing, I appointit ane court to the nynt of this instant, and causit some come in that could best gif up dittay for preparatioun to the same; bot fand verie few plaintis or dilaitit personis worthy punisment. Soone efter, upoun that same day that I ressavit the Clan Donnald, as said is, M°Clane send tua commissionaris craving my licence to resorte to the camp for conference with me in quhat maner I wald prescryve unto him; the whiche being grantit unto him, accompanyed with fyve or sex of his freindis, he come abuirde of my awne schip upoun the fyft day, accompanyed with his cosine the Laird of Coull, and M°Kynnell; and, after offeris of all kynd of dewytie and obedyence to his Majesteis lawis, I continewit all ansuer-geving him quhill I come to his awne cuntrey of Coull. Sensyne I haif haldin courte upoun this instant in Yla, not far from the Castell,—quhair

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the haill inhabitantis of the Yle, convenit with greate obedyence, ansuerit all according as thay wer callit,—and, finding no complaintis of importance, continewit the courte quhill the twelft of this instant, quhen I intend, God willing, to end materis heir at my returne bak; and thairefter, upoun the xiii day, resolvis to tak jornay touardis Mull. And sua I look that your Lordshipis will returne to me with diligence your Lordshipis advise how to use those fugitives oute of Yrland that I haif intercepted, and thair ressettaris; the quhilkis ressettaris yf thay be not dewlie punist, it wilbe impossible to keepe suche rebellious personis oute of thir Yllis. I haif expectit lang the gallay and schipp, with the batterie and instrumentis for dimolissing of houssis, and as yitt hes hard nothing thairof, althoght I feir to have grite neid of thame; and thairfore it will pleis your Lordshipis forwarne the Admirall of England of the same. Quhat forder his Majestie or your Lordshipis will direct heir to be done upoun adverteisment I sall haif cair to putt to dew executioun with all willingnes. Sua, referring all forder thairto, I rest your Lordshipis assured freind alwayes to be commandit,—A. Uchiltrie.—To my verie goode Lordis, my Lord Chanceller of Scotland, and remanent Lordis of his Majesteis Prevey Counsell."

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"Pleis your Lordshipis:—I causit wey oure ankeris and repairit frome Yla the 14 of this instant at efter none, and arryved at Douart in Mull the 15 of the same moneth, and that with great difficultie, in respect of the greatest tempest of wedder and contrair tydis, quhairby we wer putt in greit dangeir all that nyght; quhairthrou I saillit doun ane of the mastis of my awne schip. At oure comeing frome Yla we mett the

Douart in Mull, 18th August 1608.

Letter from Lord Uchiltree to the Council, reporting his further proceedings in the

West Isles, and asking increased powers.

Inglishe gallay, with ane uther schip that careyis the munitioun and ordinance. The whiche gallay yf it had not pleasit God to have gevin hir lucke to anker in the Sound of Yla, sho could not haif eschaiped saulff, in respect of the greate tydis heir and sey gait, to pas throuch the whilkis sho appeiris to be very unmeete. And, finding hir noway sufficientlie furnist with victuall to remane heir to await on this service, yf it wer bot for the space of aucht dayis, and not being certane of ony victualler to come heir to furneis hir (bot onlie, at my speciall requeist, Sir Williame Sanct Johnne, his Majesteis Admirall heir, hes tane upoun him oute of his awne furnitour to supplee hir with viveris quhill bak-advertisment come fra your Lordships), and seeing we haif no service in thir ylandis that scho is meete for, and knowing hir to be grite expenssis to his Majestie, upoun advysment with the Admirall and the remanent capitanis of the Inglishe fleete, and especiallie with him quho is present governour of hir (quho be panefull experience knawis and hes declairit to us how difficile it is to keepe hir saulff uncassin away, latt be to do ony goode office with hir), I haif thoght goode to crave your Lordshipis advise quhidder sho salbe directit bak agane to England with all expeditioun, as we think all expedyent, or yf sho salbe continewit heir, and to quhat use, and how sho salbe furnist; for we know not. As to the schip caryair of the batterie and instrumentis pertening thairto, albeit we think not meete to keep the schip heir, bot to remitt hir bak with the gallay for her bettir preservatioun, yitt, for sindrie caussis tending to the furder and finall ending of this service, we think it expedyent to keepe the munitioun, with the instrumentis; the whiche I sall see to be putt in suche suirtie as I salbe ansuerable to his Majestie and your Lordshipis. Thir thingis I haif thoght goode to communicat unto your Lordshipis, imparting to your Lordshipis oure opinioun heir, and craving your Lordshipis further resolutioun in the premissis; whiche I think, God willing, to follow furth.

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"Upoun the xvi of this instant I directit commissionaris to the house of Dowart; quhairin M°Clane having his residence for the tyme promeist to delyver the house; quhilk he did upoun the 17 day. I, ressaving the same, hes furneist it with men and vivers, to be keepit during his Majesteis and your Lordshipis pleasour. I have proclameit courte to be haldin the 23 of this instant in Arros of Mull; quhen I think, be Goddis grace, to tak ordour with that Yland. In executing of that parte of my commissioun in destroying of lumfaddis, birlingis, and heyland gallayis, I find this oure grite difficultye,—that, in respect of the grite nomber of those veshellis quhilkis ar intertenyit upoun the mayne schoir quhilkis ar so offensive to the Ylismen that, unles thay keepe the lyke to counter thame with, thay can not eshew thair oppressioun: nouther can I justlie spuilyee thame thairof, unles the lyke ordour be tane with those that ar upoun the maneschoir opposite to the West and North Yllis. And thairfoir, yf it will pleis your Lordshipis to git me lyke pouer and commissioun to tak ordour for the abolissing of suche veschellis upoun the mayne-schoir as I haif within the Yllis, I sall do accordinglie with boithe.

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The whiche commissioun I expect with diligence: into the whiche commissioun I wald desire your Lordshipis to include the intaking, assegeing and dimolissing of all sic houssis upoun the mayne schoir appertening to ony Yllismen, or that may be ane ressett to ony fugitive

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rebell oute of the Yllis. I will not trouble your Lordshipis with forder letters quhill moir occasioun be offerrit; bot, requeisting your Lordshipis to haif bak ansuer, becaus I can not depairt oute of this Yle without resset of the same, I rest your Lordshipis alwayes to be com mandit,—A. Uchiltrie.—To the richt honnorable my verie goode Lordis, my Lord Chanceller of Scotland, and remanent Lordis of that his Majesteis Prevey Counsell."

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"After oure verie hairtlie commendationis to your goode Lordship:— We ressavit your Lordshipis letter, and do thairby undirstand the goode succes you haif had in that his Majesteis service committit to your charge. Quhairof we ar hairtelie weele content, and wishes that in the haill course and progres of that service your Lordship may find the lyke good fortoun. The gallay quhairof your Lordship makes mentioun in your letter is with you or now; for some ten or tuelff dayis syne sho wes in Lochryane, and hir commander and capitane wes heir to undirstand quhat sould be his imployment. We have remittit him unto your Lordship, with oure letter of recommendatioun for his kynd and freindlie usage; and we haif speciallie recommendit him to attend your directionis. We think meete that you sall delyver the haill Yrishe fugitives apprehendit be you, or quhilkis heirefter sall come in your handis, to Capitane St Johnes, to be transportit be him to England or Irland as he sall think goode, and

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that you wilbe verie cairfull to caus diligent searche and inquirie be maid within the haill boundis of your charge for all utheris quho ar alreddy or sal happin to repair thair,—wherin your Lordship will do unto his Majestie most acceptable service. As for thair ressettaris, we think meete your Lordship sall caus apprehend thame and committ thame to suir warde, and, yf thair bipast offence hes bene so lewde and insolent as onywayes thay may be in dangeir of law, that your Lordship will caus execute thame to the deid; bot, yf thay have bene trew honnest men, you sall tak cautioun of thame for the non-ressett of thir fugitives in tyme comeing, and inflict some moderat pane upoun thame as you sall think goode. And sua, recommending your Lordship and all your affairis to Godis protectioun, we rest your verie goode freindis,—A., Cancellarius, Lotheane, Sanquhair, Elphinstoun, Scone, Blantyr.—To oure verie honnorable goode Lorde, the Lord Uchiltrie, his Majesteis Lieutennent over the Ylandis of this Kingdome."

Edinburgh, 19th August 1608. Letter from the Council to Lord Uchiltree in answer to his letter of the 12th current.

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"After oure verie hairtlie commendationis to your goode Lordship:— By your letter of the 18, whiche come to oure handis the 23 of this instant, we undirstand of your meeting with the Englishe gallay, and of the grite dangeir sho wes in to have bene cassin away, how unfitt sho is

Edinburgh, 25th August 1608. Letter from the Council to Lord Uchiltree

in answer to his of the 18th current.

for that service you haif in handis, and to quhat little use sho will serve in those Ylandis, and how that you, with your Admirall and remanent of your counsell of war, haif thoght meete that sho, with the schip caryar of the munitioun and batterie, salbe returnit and send bak. In all whilkis particularis we having advisit and at lenth conferrit thairupoun (thair being none other of the Counsell present), we approve your opinioun anent the baksending of the gallay and schip, and thinkis meete that you sall do the same with diligence, and that you sall reteyne so muche of the munitioun and instrumentis as you and your Admirall and remanent counsell of warr and capitanes of the fleete sall think necessair for that service, and that you haif a special regaird and cair that the munitioun and instrumentis be weele keepit and maid furthcomeand at ony occasioun of his Majesteis service. Anent the other point of your letter, tuiching the distroying of lumfadis, gallayis and birlingis, and dimoleisheing of the housis and strenthis upoun the continent nixt adjacent to the Yllis, we haif reservit that to the deliberatioun of a moir frequent nomber of the Counsell, who will convene upoun the first of September nixt; at whiche tyme you salbe fullie resolved in that poynt,—we being loath to determine in so heich a poynt bot with goode advise and deliberatioun. We ar hairtlie weele content of the goode succes and progres of that service, and wisheis the continuance thairof and full accomplishement of the same, to the contentment of oure sacred Soverayne, the goode of the cuntrey, and to your awne credite and reputatioun. And sua, remitting all forder to the nixt advertisement, whiche salbe immediatlie after the meeting of the Counsell, we committ your Lordship to Godis protectioun. Your very goode freindis,—Balmerinoch, Blantyr, Haliruidhous, Master of Elphinstoun.—To oure very honnorable goode Lord, the Lord Uchiltrie, his Majesteis Lieutennent over the Yllis." Royal Letters 1604–1612. Page 156.

Edinburgh, 25th August 1608.

Letter from the Council to the Lord Deputy of Ireland, on Irish affairs and their assiduity therein.

"After oure verie hairtlie commendationis to your goode Lordship:—We ressavit your letter of the thrid of this instant, and with most harty love, kyndnes, and affectioun doeth acknowlege your worthy behaviour and cariage in the prosequutioun and suppressing of that detestable rebellioun of the tratour Odoharty, gevand thankis unto God, who of His grite mercy towardis our most deir Soverayne, and in His wraith, justice, and just judgement aganis that traterous and unworthy creatur, hes gevin unto you so notable and famous a victorie, manifesting thairby His divyne cair and providence whiche He hes over oure sacred Soverayne, and in quhat detestatioun He holdeth all impious and traterous subjectis, who, during the course of this thair naturall lyffe being full of falshoode, impietie and treasoun, procureth thair funerallis to be tragicall, infamous and miserable. We haif considerit by your letter the necessitie you haif to reteyne and hold your forceis togidder upoun occasioun of thir rumouris of foreyne preparationis; and thairfoir we wilbe verie loath in ony caise to gif you occasioun to dismember or waikin your forceis bot upoun most urgent and neidfull necessitie; unto whiche tyme we will not onlie reserve your Page 148. Page 149.

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forceis, bot at every intervening occasioun within the boundis of your office quhairin our concurrence and assistance salbe requisite thair salbe nothing wanting in us quhairby we may testifie oure goode affectioun and dispositioun to the furtherance and advancement of his Majesteis service, and to intertcny that mutuall correspondence with yourselff whiche becometh loving and feeling memberis of one body under so gratious a heade ; whose grite cair and affectioun indifferentlie borne be his Majestie to all his subjectis, without ony privat respect or consideratioun, sould so unite us in hairtye and tender love and affectioun, eache to another, that we sould mutuallie concur with all oure pouer and strenth to the mantenance of everie distressit member of that body. Thair is some few of your fugitives apprehendit in Yla be the Lord Uchiltrie, his Majesteis Lieutennent ; unto whome we haif send directioun to delyver thame to Sir William St Johnne, to the effect he may ather bring thame to your Lordship or send thame in England to abyde thair tryale. We haif causit publishe verye strait prohibitioun, upoun pane of deathe, that none of your fugitives salbe ressett or protectit in this kingdome, as alsua that none of your souldiouris nor confynnit personis salbe transportit frome thense in this kingdome without your Lordshipis licence and permissioun ; and we haiff sett a price of 200 lib. sterling upoun the head of Phelimy Reaughe, with promeis of his Majesteis gratious remissioun to ony personis who will apprehend him and present him quick or deade. We haif lykewayes gevin strait directioun and commandiment for the searcheing, inquirie and apprehending of all suche fugitives as ar alreddy or sal happin heirefter to withdraw thameselffis frome thense to this cuntrey; and in every uther thing whiche may further hes Majesteis service, als wele thair as heir, we sall omitt no dewytie whiche to oure charge and credite apperteyneth. Sua, recommending you and all your procedingis to Godis protectioun, we rest your very loving freindis,—Al., Cancellarius, Balmerinoch, Blantyr, Haliruidhous, A., Master of Elphinstoun.—To oure very honnorable goode Lord, the Lord Deputie of Yrland."

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"After oure verie hairtlie commendationis to youre goode Lordshipis :— Thair wes anc petitioun preferrit unto us by this beirair Robert Hill, skipper in Quenisferry, complening of ane verie grite crueltie committit upoun him by one Capitane Crome Lambert, capitane of ane war schip of Ansterdame; quho, forgaddering with the said Robertis schip callit 'The Robert' foiranent Graveling, as scho wes bowne to Caleis or Newhavin in France, laidin with coillis at the porte of Culrois, quhair sho ressavit hir cocquett and payit hir custome, and the beirar suspecting nothing les then ony injurie to haif bene attempted aganis him by the subjectis of ony Prince or Estate with whome oure sacred Soverane holdeth amitie and freindship, the said capitane nochtwithstanding by force of armes seased upoun his ship and goodis, and without pitie or compassioun suffer the schip and hole personis being in hir (none reservit saulffing one) to be cassin away and perishe in the sea. Upoun consideratioun of the whiche

Edinburgh, 15th September 1608.

Letter from the Council to the English Privy Council, in favour of Robert Hill, skipper in Queensferry, who has a complaint against a Dutch ship-captain.

petitioun, we haif writtin to the Esteatis of the United Provinces of Flanders for redres to be maid to the petitioner. And, to the effect that oure letter and recommendatioun may haif the gritair authoritie, we will eirnistlie requeist your honnorable Lordshipis to accompany the same by your favourable letter to the saidis Esteatis, in suche forme as your Lordshipis in your awne wisdome sall think fitt and expedyent,—quhairthrouch his Majesteis distressit subjectis by your favourable meanis and intercessioun may find conforte and ressave redres according to equitie and justice. And sua, recommending your Lordshipis unto Godis protectioun, we rest your Lordshipis very goode freindis,—Al., Cancellarius, Wyntoun, Perth, Lotheane, Bugcleuch, Torphichin, Master of Elphinstoun, J. Cokburne, Jo. Prestoun, Sir T. Hammiltoun.—To oure verie honnorable goode Lordis, the Lordis of his Majesteis honnorable Prevey Counsell of England." Royal Letters, 1604–1612.

Edinburgh, 15th September 1608.

Letter to his Majesty from the Council, in favour of Mr William Hart.

"Most gratious Soverane:—Thair is divers of your Majesteis subjectis who hes complenit of the delay and want of justice whiche, to thair grite hurte and prejudice, thay haif sustenit in thair criminall caussis throuch the absence of your Majesteis justice Mr Williame Hairt, who now attendis your Majestie for some speciall occasioun of your Heynes service. And thairfoir we will in all humilitie requeist your sacred Majestie to returne him bak sa sone as your Majesteis otheris affairis will permitt, becaus the necessitie of his service tyes him to a ordinair and daylie attendance; wherin he omittis no panes, travellis, diligence nor chargeis whiche may approve him to your sacred Majestie, and to all your Heynes subjectis, worthy of suche a charge. And, seing your Majestie, of your awne gratious and princelie dispositioun, hes evir had a favourable regaird to all your weill-deserving servandis, we think it neidles for us in ony caise to recommend him to your Majestie. And sua, continewing oure humble and hairtie prayeris to God for the preservatioun of your Majestie and all your royall progenie in helth and felicitie, we rest (subscryvit *ut supra*)." [1] Page 158.

Edinburgh, 15th September 1608.

Letter from the Council to Sir Andrew Melville, requiring him to come to Holyrood to attend upon the Duke of Wurtemberg in the palace there.

"Richt traist freind, efter oure hairtlie commendationis:—The Duke of Virtemberg, who is oure Soverane Lordis neir allya, having tane purpois to repair to this cuntrey, and oure Soverane Lord, moved with a speciall consideratioun and regaird of the honnour and reputatioun of this his ancient kingdome, being verie desirous that this Prince, his neir allya, salbe used with all love, freindschip, hairtlynes, and kyndnes in this kingdome, [he] hes gevin speciall command and directioun that, in his comeing to Haliruidhous, he salbe ludgeit in his Majesteis pallace, intertenyit upoun his Heynes chargeis, and servit in estate as becometh a prince of his rank and qualitie, and that those who wer in office and charge in his Page 165.

[1] Respecting Justice-Depute Mr William Hart's recent services, both in the Sprott case and in the Hartsyde case, see *ante*, pp. 150–2, n., and p. 517, n. For earlier antecedents of him, see vols. vi. and vii. by Indexes. He was to return to Scotland as Sir William Hart.

yal Letters, 04–1612.

Majesteis house sall attend and await upoun this Prince during his abaad at Haliruidhous as yf his Majestie wer present himselff. And thairfoir we haif maid choise of you, as one most meete for this purpois, requeisting and desiring you effectuuslie that you faill not, all excuissis sett asyde,

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to addresse yourselff heir to Haliruidhous upoun the day of in your best and most seamelie maner, provydit to attend and await this Prince in suche charge and imployment as you salbe directit at your heircomeing, as you respect his Majesteis obedyence and will do unto his Heynes acceptable pleasour and goode service. Thus we committ you to God. Your very goode freindis,—Lotheane, Balmerinoch, Jo. Prestoun.—Thir missives directit to Sir Andro Melvill, Sir Johnne Prestoun, Sir James Lundy, Mr Frances Bothuill."[1]

ge 160.

"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele:—It being havelie complenit to us be Robert Menteith, for himself and otheris inhabitantis of oure Yllis of Orknay, that, thay being most cruellie opprest be Patrik, Erll of Orknay, and without all ordour of law or course of justice ejectit furth of thair landis and possessionis, and enforceit for feir of thair lyves to leave thair duellingis, and nochtwithstanding that the said Erll for the same caus hes bene denunceit rebell and putt to the horne, and that the saidis complenaris haif oftymes meanit thameselffis by supplicatioun unto you of oure Counsell thair, thay have bene hithertillis postponit and differrit, having no redres at all maid

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unto thame, bot forceit to leve in banishement frome thair awne houssis for feir of incurring hasard of thair lyveis; and, howsoevir it wes humelie suited by thame as ather thay micht have the ordinair course of justice ministrat unto thame by the meanis of oure authoritie or that then thay micht have commissioun grantit unto thameselffis to sute redres of him who remanis thus oure contemptuus rebell, as the last wes refused, so have thay had no speede by the other meanis. And heirupoun we can not bot justlie blayme you in suffering these poore people to haif this caus of complaynte and to repair hither for the same; wherin yf that pouer and authoritie whiche we have gevin you can noway help thame in thair sute of justice, we see no reasoun that thay sould be refusit a commissioun to execute the same thameselffis. And, heirin willing you to tak some course as we do heir no forder of the lyke complaint, we bid you fairweele.—To oure richt trustie," &c.

Theobalds, 16th September 1608. Letter from his Majesty to the Council, anent Robert Menteith and the oppressions in Orkney.

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"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele:—It is certifyed unto us that the Erll of Craufurde sould beir ane evill will and grudge at the Laird of Edzell for the slaughter of the Lord

Theobalds, 18th September 1608. Letter from his Majesty to the Council, anent the feud between the Earl of Crawford and the Laird of Edzell.

[1] "In the beginning of September, the Duke of Wirtemburg, a Prince in Germanie, a young man of comelie behaviour, accompanied with twentie-foure in traine, came to see the countrie. He was convoyed from place to place by noblemen, by the King's directioun, and weill interteaned. His traine were all clothed in blacke."—*Calderwood*, vi. p. 783.

of Spynie, as that he sould haif bene accessorie thairunto. As we can hardlie beleve that one of whome we haif sene and hard so muche goode wald evir haif bene the plottar or contryvair of ony suche vyld fact, so ar we loath to suffer ony of that seede of the auld suppressit monstour of deidlie feid within that kingdome to tak ony new rooteing. Bot, since the ordinair course of law is patent to all oure goode subjectis, and that the said Edzellis imploymentis in oure service bothe as oure counsellour and senatour will require his attendance continuallie thairon, we wald be loathe that, upoun ony consavit malice of his enemeyis, he sould rune in ony hasaird. And thairfoir oure pleasour and will is that you sall call the said Erll of Craufurde befoir you, and, yf he do challange the said Edzell as onywayes guiltie of that cryme, that you then appoint him some day for persewing of him befoir oure justice and his deputis, to the effect he may haif tryall according to the ordinair course of justice; or, utherwayes, conforme to the meaning and intent of the statute of Parliament maid for reconsiling of deidlie feidis, that the said Erll be commandit be you to tak him be the hand and to declair that he caryis no deidlie haitrent or evill will to him, that so bothe the other may the moir saulflie attend oure service and that all occasionis may be prevented of the breache of oure peace. And so we bid you fairweele.—To oure richt trustie and weilbelovit cosines and counsellouris, the Erll of Dunfermling, oure Chancellour, and remanent Lordis and utheris of oure Prevey Counsell of that oure kingdome of Scotland." Royal Letter 1604–16i2.

Theobalds, 18th September 1608. Letter from his Majesty to the Council anent the feud between the Forbeses and Irvine of Drum.

"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele:—It is certifyed unto us that some of the name of Forbes do beir a grudge and inemitie at the Laird of Drum for the presenting of umquhile Johnne Forbes to oure justice, who for grite and haynous offenssis wes convictit and executed. And heirwith also we undirstand that some (who, in particulair revenge of that same mater, had in a most barbarous sorte maid searche in the scooles quhair the said Laird of Drumis young childrene wer taucht, to have killed thame) wer callit befoir you, and, the mater being provin aganis thame, wer not the les dismissed efter a shorte imprisonment without ony forder punishement for thair villannous fact [*ante*, vol. vii. p. 449]. As we cannot bot muche mervell how this grosse oversight hes bene committit by you, and do heirby will you to certifie us with speede of the hole circomestanceis of the same, so haif we also thoght meete to will you to call all suche of the name of Forbes as the said Laird of Drum sall gif you in note befoir you, and ather injoyne thame presentlie to reconcile thameselffis to the said Laird of Drum and to beir no forder quarrell or grudge aganis him for presenting of the said umquhile Johnne Forbes, or then, suche as sall refuse, oure will is that thay be denunceit and detenit in warde untill suche tyme as boithe oure peace may be provydit for and all harme prevented that may befall to the said Laird of Drum by thair meanis. And, willing you to be cairfull in directing heirof, we bid you fairweele.—To oure richt trustie," *ut supra.* Page 157.

Royal Letters, 1604–1612. Page 161.

[Edinburgh, September 1608.] Letter from the Council to his Majesty, anent Robert Menteith and the oppressions in Orkney, in reply to his Majesty's of the 16th current.

"Most gratious Soverane:—We ressavit your Majesteis letter concerning Robert Menteith and the rest of your Majesteis distressit subjectis in Orknay; wherin your sacred Majestie seames to blame us for refuseing unto thame the ordiner course of justice, especiallie ane commissioun aganis the Erll of Orknay; quhairby thay have bene forceit to repair to your Majestie to complene. Far be it fra us to prove so unworthy of the place and charge whiche your Majestie hes concredite unto us as to refuse justice to ony of your Majesteis distressit subjectis; of quhose afflictionis and calamiteis as we ar bundin in conscience befoir God and in dewitie and allegeance to your sacred Majestie to haif a speciall cair and regaird, and to execute that pouer and authoritie quhairwith your Majestie hes armed us without ony private respect or consideratioun, so thir complenaris can not with reasoun burdyne us with the omissioun of ony point of oure dewytie to thame, seeing in the haill progres and course of thair actionis, alswele befoir your Majesteis Counsaill as Sessioun, thay ressavit verie favourable and summar justice. It is of treuth that thay ar verie havelie distressit, and, quhen thay haif gottin decreitis and sentenceis, it faillis in the executioun. Your Majestie knawis that we haif no forceis

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to send to Orknay to mak the said Erll conformable, bot your Majesteis awne gairdis, who in respect of your Heynes awne service may not be wele sparit. The pairtyis indeid hes socht commissioun to thameselffis in verie ample forme aganis the said Erll; bot, becaus suche commissionis in the forme and natour as thay crave ar not usuall to be grantit bot in criminall caussis and upoun criminall horningis, we haif bene spairing to grant the same, and we haif some presumptionis that movis us to feir the event of the executioun of the same in forme and natur as it is consavit. Alwayes we haif send the same to Sir Alexander Hay, your Majesteis secretarye, to be shawne be him to your Heynes,—that, yf your Majestie, after consideratioun thairof in the termes as it is sett doun, find the same meete to be exped, it will pleis your Majestie putt your awne hand thairto, and we sall follow. And sua, recommending your sacred Majestie with your royal progenie to Godis divyne protectioun, we rest your Majesteis most humble and obedient subjectis and servitouris.—*Sic subscribitur:* A., Cancellarius, Haliruidhous, Master of Elphinstoun, R. Cokburne, Sir T. Hammiltoun, Sir James Sandelands, Clericus Registri."

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Hampton, 2nd October 1608. Letter from his Majesty to the Council, anent the Marquis of Huntly, ordering his confinement in Stirling Castle.

"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele:—As we do verie weill allow of the procedingis of the General Assembley by ecclesiasticall censure of excommunicatioun aganis the Marques of Huntley for his obdurit apostacye frome the trew professioun of the faith and obstinacie to be reclamed in ony sorte frome his errouris in religioun, so, howevir frome oure hairt we do pitie this his blinde ignorance, yitt, alswele to reduce him by chastisment (since fair meanis haif nothing availled) to the pathway of his salvatioun, as that thairby all otheris of oure subjectis may knowe that all those in this sorte affected in religioun, howevir thay showe thameselffis presentlie disposed, may not

the les be justlie suspectit as dangerous subjectis in the Estate, we haif thairupoun thoght meete to do heirby speciallie will you to direct chargeis under pane of hoirning, within als schorte space as is usuall and lauchfull, commanding him to enter his persone in warde within oure castell of Striviling, thair to remane in warde untill suche tyme as oure forder pleasour be signifeit. And heirwith you ar to direct your warrant to the capitane and keeparis of the said castell of Striviling, that thay ressave, keepe, and detene the said Marques, and on na wayes dimitt him without oure warrand first had and obtenit. And, remitting the same and the speedie charge and executioun heirof to your speciall cair and directioun, as you wald deserve oure speciall thankis and eshew our just reprooffe yf we do find ony neglect or omissioun of tyme heirin, we bid you fairweele.—To oure richt trustie and weilbelovit cosines and counsellouris, the Erll of Dunfermling, oure Chanceller, and remanent Lordis and utheris of oure Prevey Counsaill of that oure kingdome of Scotland." Royal Letters 1604-1612. Page 163.

[Hampton, 2nd October 1608].

Letter from his Majesty to the Council anent the Earl of Angus, empowering them to give him leave to go into exile abroad.

"Richt trustie and weilbelovit cosines and counsellouris, we greete you wele:—Undirstanding of the sentence of excommunicatioun pronunceit aganis the Erll of Angus for his hereticall professioun in religioun, and we allowing very wele of the same, as we do intend ever to authorize the lauchfull procedingis of the Churche thair, as appointed by God the nurisfader of the same, so, upoun informatioun maid to us of the said Erll his present grite inhabilitie and seiknes, of whiche he hes no grite hoip evir to recover without the help and advise of physitionis in foreyne pairtis, we have thairfoir thoght meete that letters and chargeis of hoirning be direct in als summair forme as it is lauchfull aganis him, commanding him ather presentlie to enter his persone in warde within the castell of Edinburgh, or then, within the tyme contenit in the said charge, that he find sufficient and responsaill cautioun actit in your bookis, under the pane of ten thousand merkis, that he sall departe furth of oure dominionis betuix and the tent of November nixt, and remane furth of the same and noway returne to ony parte thairof without oure licence first had and obtenit; and, in the mean space betuix the said tent day, that he remane in his house of Temptalloun and sax myllis aboute the same, and noway transcend the saidis boundis under the said pane. Whiche cautioun being found by him, you sall then freethe him of his present confyneing, and grant unto him licence for his depairtour with all suche restrictionis as ar usuall and accustomed. And, yf within the tyme prefixt in the charge he nouther find cautioun nor enter in warde, then oure will is that he be presentlie denunceit oure rebell, and that we may be thairof certifyed, that we may thairupoun gif oure forder directioun and ordour. And, committing the same to your speciall diligence and cair, we bid you fairweele.—To oure richt trustie," *ut supra.* Page 163.

"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele:—This refusall of the Erll of Errole to be ony way conforme to this Page 164.

Royal Letters, 1604–1612.

present professioun of religioun having justlie induceit the Kirk thair to proceede with excommunicatioun aganis him, as we haif evir and still sall allow of thair just and lauchfull procedingis, acknowlegeing ourselff boundin no les bothe in dewitie to God and as the nurisfather of his Churche heir on earthe, so, as weele to reclame him frome his errouris, quhairunto upoun presumptioun of oure too muche lenitie be hes remanit perhapis so muche the moir addictit, and to encourage oure goode deutifull subjectis in thair dewtifull fear of God and oure obedyence, as for ane examplair punishement of all suche who dar gif testimonye of ony suche obstinacie in continewing to be of ony suche professioun, whiche may gif unto us just caus to suspect thame skairse weill affected and weele disposit subjectis, we haif thairfoir thoght meete to will you, upoun ressett heirof, to direct letters and chargeis of hoirning, upoun als speedie proces as is onyway lauchfull and accustumat in the lyke caissis, to command and charge the said Erll of Errole to entir his persone in warde within the castell of Dunbartane, thair to remane in warde quhill we do certifie oure forder pleasour: willing you thairwith to direct your speciall warraunt to the capitane, constable, and keeparis of the said castell, to keepe and detene him in the said warde ay and quhill he be fred and relevit furth thairof by our speciall directioun. And, remitting the cair and directioun of the premissis to your speciall cair, we bid you fairweele.—To oure richt trustie," &c., *ut supra.*

Hampton, 2nd October 1608. Letter from his Majesty to the Council anent the Earl of Errol, ordering them to see to his being confined in Dunbarton Castle.

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"Most sacred Soverane:—The Lord Uchiltrie, your Majesteis Lieutennent over the Yllis of this kingdome, having with a very goode succes returnit from the expeditioun, and making his appeirance befoir us upoun the fyft and saxt of this instant, he hes gevin unto us a full accompt of the hole course and progres of his procedingis in that service; the particularis quhairof we haif send up in dew and autentick forme to youre Majesteis Secretarye, to be imparted and showne be him to your Heynes,—that, after consideratioun thairof, your Majestie may returne unto us your gratious will and pleasour quhat your Majestie will haif to be done in that mater; quhairunto we sall conforme ourselff. And sua, praying God to blisse youre Majestie with a lang, happy, and prosperous regnne, we rest your Majesteis most humble and obedyent subjectis and servitouris,—A., Cancellarius, Ergyle, Craufurde, Abircorne, Bugcleuch, Blantyr."

Edinburgh, 6th October, 1608. Letter from the Council to his Majesty, anent Lord Ochiltree's proceedings in the Isles, now ended.

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"Most sacred Soverayne:—This nobleman, the Lord Uchiltrie, whome it pleasit your Heynes to prefer to the charge of lieutennandrie of the Yllis of this your Majesteis kingdome, hes with grite cair, pane, and travellis, and with grite hasaird of his persone, broght that service to ane goode perfectioun by the entrie and exhibitioun befoir us of a nomber of the principallis and chiftanis of the Yllis, and by his awne promeis and band to mak some otheris of thame whome he hes not presentit ansuerable and obedyent, as moir particularlie he will informe your sacred Majestie. And sua, recommending him unto your Majesteis gratious regaird and

[Edinburgh, 6th October, 1608.] To his Majesty in favour of Lord Ochiltree.

consideratioun, we pray God to blisse your sacred Majestie with all happynes, and restis," *ut supra.* Royal Letters, 1604–1612.

Edinburgh, 6th October 1608. Letter to his Majesty in favour of Owen Wynne.

"Most sacred Soverayne:—The beirair, Owne Wynne, capitane of your Majesteis schip callit 'The Moone,' having attendit your Majesteis service in the Ylandis of this kingdome under the charge of your Heynes Lieutennent during the haill tyme of that expeditioun, and being now to returne towardis your Majestie, we could do no les then to accompany him with this oure testimonie and approbatioun of his deutifull cariage and behaviour in the hole course and progres of that service; quhairin he hes omittit nothing whiche to his awne credite and reputatioun apperteyned, and whiche micht approve him worthie of that imployment concredite unto him be your sacred Majestie. And sua, recommending him unto your Heynes favourable consideratioun, we pray God to blisse your sacred Majestie with a lang, happy, and prosperous regnne. (Subscryvit *ut supra*)." Page 159. Page 160.

[Edinburgh, 16th October 1608?] Letter from the Council to his Majesty in favour of the Bishop of the Isles.

"Most sacred Soverane:—This beirair, the Bischop of the Yllis, having the occasioun to repair to your sacred Majestie, we haif thoght meete to accompany him with this oure testimonie and approbatioun of his deutifull cariage and behaviour in youre Majesteis service in the Yllis; wherin he hes caryed himselff with very goode credite and reputatioun, and is able be his counsell and advise (in respect of his awne credite and freindship amang the Ylismen) to do unto your Majestie goode service. And sua, recommending him unto your sacred Majestie, and humelie beseeking your Heynes to heir him in suche thingis as he will propone anent the prosequutioun of that service, we pray God to blisse your sacred Majestie with all happynes, and restis your Majesteis most humble and obedyent subjectis and servitouris,—A., Cancellarius, Ros, Torphechin, Bugcleuch, Haliruidhous, Master Elphinstoun, Sir T. Hamiltoun, Jo. Prestoun, Clericus Registri." Page 160.

Edinburgh, 13th October 1608. Letter from the Council to the presbytery of Haddington, requesting them to allow Mr James Carmichael to give his services for two months in seeing Sir John Skene's *Regiam Majestatem* through the press.

"Richt traist freindis, efter oure hairtlie commendationis:—The Clerk of Register haveing with grite panes and travellis reduceit the haill ancient lawis of this kingdome in ane volum, and haveing putt the same to the pres to be prented for the benefeit of his Majesteis subjectis, and for the honnour, credite, and estimatioun of the cuntrey, it is verie necessair for the better performance of this work that some speciall persone of knowlege and experience be appointed to attend and await thairupoun, and to examine, espy, and correct suche errouris and faultis thairin as usuallie occurris in everie page that first comes frome the presse. And, finding none so meete for this purpois as Mr James Carmichaell, minister at Hadingtoun, we haif delt and travellit with him to undirtak this charge; whiche he is loath to undirtak without your approbatioun and allowance. And, seing this is a commoun werk, importing the honnour, benefeit and reputatioun of this haill kingdome, we mon intreate and requeist you richt Page 164. Page 165.

Royal Letters, 1604–1612.

effectuuslie to dispens with the said Mr James absence fra his charge and functioun the space of two monethis or thairby,—within quhilk space we hoip that this werk salbe broght to some reasounable perfectioun. We doubt not bot the regaird whiche all of you do carye to this so necessair and proffitable a werk will move you to forder and assist the same by the said Mr James attendanceis thairupoun; wherby as you sall testifie your goode dispositioun to the furtherance and advancement of everie thing whiche may importe the honnour and credite of this oure native kingdome, so you will do unto as very acceptable pleasour. And sua, recommending you unto Godis divyne protectioun, we rest your assuired goode freindis,—A., Cancellarius, Torphechin, Haliruidhous, Bugcleuch, Sir T. Hamiltoun, Jo. Prestoun, Ros, An. Yllis, Quhittinghame.—To oure richt traist freindis, the ministeris of the presbiterie of Hadingtoun."[1]

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"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele:—Upoun a complaint maid unto us by the baronis and gentilmen duelland in Lotheane, neir to oure burgh of Edinburgh, of some new innovationis begun be that burgh to the enorme hurte and undoing of thair nychbouris, and challangeit be thame upoun a new purchest infeftment of thair liberteis, we did of lang tyme ago will you by oure letter to certifie us of the whole treuth of that mater. And, having nevir as yitt ressaved from you ony advertisment thairanent, and thairwith being now moved, by the renewing of the complaynt in the behalf of thair nichtbouris, and the late prooffe of the proude contempt of oure commandimentis send to the said burgh, to looke the moir narrowlie to thair actionis, judgeing that thay mak no accompt of offending thair nychtbouris quhen thay dar gif suche oppin testimonie of dissobeying our directionis, it is thairfoir oure pleasour and will that you sall tak a particulair tryale of that complaint maid aganis thame, and certifie us thairof, and of the whole contentis and claussis of thair new purchessit infeftment, that, since these burgessis of Edinburgh could not mak use of oure favour,—quhairof appeirandlie they had a surffett,—[they] may taist in some sorte the fruitis of oure wraith, whome thay haif maid so litle accompt to offend. And so we bid you hairtelie fairweele.—To oure richt trustie," &c.

Newmarket, 26th October 1608.

Letter from his Majesty to the Council, anent a complaint of the Barons of Lothian against the town of Edinburgh.

[1] For other notices in the present volume of Clerk Register Sir John Skene's great work see by Index. It appeared in the following year as a folio, with this title: "*Regiam Majestatem Scotiæ, sive Veteres Leges et Constitutiones collectæ et illustratæ. The Auld Lawes and Constitutions of Scotland, faithfullie collected and translated out of Latine into Scottish Language. Be Sir John Skene of Curriehill*" (Lowndes). For some antecedents of the Mr James Carmichael, minister of Haddington, whose services the Council desired in seeing Sir John Skene's work through the press, and especially for his connexions with the Scottish scholarship and pedagogy of his time, see previous Volumes of this Register by the Indexes. Mr Carmichael must have now been somewhat of a veteran, his Latin Grammar having been published in 1587; but he seems still to have had the reputation of being one of the most accurate of Scottish scholars living. He was in the main of strongly Presbyterian principles, and was a great friend of Andrew Melville, who mentions him often and affectionately in his letters. When Sir John Skene's work appeared, a poem by Carmichael was appended to it.

Newmarket, 27th October 1608.

Letter from his Majesty to the Council, anent the neglect of the burgh of Haddington to elect a provost according to his commands.

"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele:—Undirstanding that oure burgh of Hadingtoun, not the les of oure expres command and directioun by oure letter for chuseing and electing of some trafficquing burges within thair burgh for thair provest this yeir, hes maid no electioun at all, preissing by thair ansuer unto us to advyse us to the continewing of thair former provest; quhairin as we can not sufficientlie wonder at that so saucie malapairt presumptioun, and disdaning to gif ansuer bak to ony suche base, rascall people, making to small accompt of oure commandis: have thocht meet to will and command you upoun the ressett heirof to direct letters and chargeis of hoirning, commanding the provest, baillies and counsell of that burgh, within sax dayis nixt efter the charge, to mak choise of some neutrall trafficquing burges for thair provest this yeir following, or then that thay enter thair personis in warde within oure castell of Blacknes within the said space. And, in cais of thair dissobedyence that thay be denunceit, and all rigour and extremitie prosequute aganis thame as oure rebellis. And, remitting to your speciall cair the speedie directioun and executioun heirof, as you will do us acceptable service, we bid you fairweele.—To oure richt trustie," &c.

Royal Letter-Book, 1604-1612. Page 166. Page 167.

Edinburgh, 8th November 1608.

Letter from the Council to the King in answer to the two letters immediately preceding, and anent the Marquis of Huntly and the Earls of Errol and Angus.

"Most gratious Soverayne:—Your Majesteis tuo letters, the ane concerning the complaint of the baronis of Lotheane aganis the burgh of Edinburgh, tuicheing some new novatioun allegeit begun be that burgh to the prejudice of thair nichtbouris, under cullour of thair late infeftment grantit be your Majestie to thame, and the other concerning the dissobedyence of the burgh of Hadingtoun to that your princelie directioun anent the electioun of thair provest, were presentit unto us, being convenit in Counsell, upoun the aucht of this instant.

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"And, wheras your sacred Majestie seames to blame us for not taking notice and informeing your Heynes of that complaint aganis Edinburgh in the hole pointis and circomestanceis of the same, conforme to your Heynes formair directioun send to us thairanent, it will pleis your Majestie to know that thair wes nevir a complaynte be worde nor wryte exhibite unto us in that mater sen the 1604 yeir of God; at whiche tyme the mater then in questioun ressavit decisioun to the full contentment of the saidis baronis. And sensyne we haif not hard of ony questioun or miscontentment betuix thame for that caus. And, yf ony suche complaint salbe propounded unto us, we sall not onlie examine the same exactlie and certifie your Majestie particularlie thairof, bot we sall so far proceede thairin as in law, equitie, and justice becometh us. And in the meantyme we haif gevin directioun to the Clerk of Register to extract thair infeftment; whiche we sall send unto your Majestie with the nixt pacquett. And we haif heirwith send unto Sir Alexander Hay, your Majesteis Secretarie, ane decrete and sentence gevin in this same mater in the said 1604 yeir of God, to be considderit be your Majestie.

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Royal Letters, 1604–1612.

"Your Majesteis uther directioun concerning Hadingtoun we dispatcheit, and we sall see obedyence gevin accordinglie.

"The Marques of Huntley and Erll of Errole haif boith enterit in thair wardis within the tyme prefixt unto thame; and the Erll of Angus hes found cautioun for his depairting of the cuntrey, and, as we undirstand, is presentlie upoun his jornay be land towardis some porte of that cuntrey, quhair he intendis to tak schipping. And sua, ceissing to trouble your sacred Majestie with forder, we pray Almichtie God to have your Majestie and your royall progenie in his blissit protectioun. Your Majesteis most humble and obedyent subjectis and servitouris,—A., Cancellarius, Lotheane, Haliroodhous, Edzell, Sir T. Hammiltoun, R. Cokburne, Jo. Prestoun."

Page 169. Page 170.

"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele:—Severall informationis haveing bene maid unto us both by the Erll of Mar and Lord Elphinstoun concerning thair intendit purchesing of the landis of Kersie, that without the heretouris knowlege and to his utter undoing ather of thame intendis to pas infeftmentis of that land, and swa to frustrat and disapoint the poore heretour of the dew pryce of the same: wherupoun we wer pleasit to direct our warraunt for stay of all passing of ather of thair infeftmentis. And, becaus we desire to be certifyit of the whole treuth in that mater, and to undirstand whiche of these two hes meanit most honnestlie to the poore gentilman, it is thairfoir oure pleasour and will that you call the said Erll of Mar and Lord Elphinstoun, and als James Abircrumby, heretour of the ground, befoir you, and to tak tryale of the bigane circomestanceis of ather of these two bloking and dealing with the said James for the purches of the said land, and to certifie us particularlie of the same, and whiche of thame hes in tyme past, and in your judgement intendis heirefter, to deale most honnestlie and uprightlie with the poore heretour, that thairupoun we may certifie oure forder pleasour and will in that mater. And heirin you sall do unto us acceptable service. And so we bid you fairwele.—To oure right trustie," &c.

Whitehall, 14th November 1608. Letter from his Majesty to the Council, anent certain proceedings of the Earl of Mar and Lord Elphinstone.

Page 168.

"After oure verie hairtlie commendationis to your goode Lordships:—We haif hard by the reporte of this beirair, James Scott, of ane verie grite insolence committit upoun him be Johnne Daviesoun, Johnne Leck, and Johnne Reitter in Newcastell; who in the moneth of October last most cruellie invadit and persewit the said James Scott, hurte and woundit him in divers pairtis of his body, and left him for deid, as moir particularlie your Lordships will know be his complaint, to be proponned and exhibite unto your Lordships. And, althoght we know that your Lordships, in your awne honnorable regaird and dispositioun to justice, doeth most indifferentlie and without ony privat respect or consideratioun proceede in the tryale and punishement of suche offenssis, yitt, seeing this beirair is a strangear, and perhappis may be haldin bak and delayit be his prevey moyane and freindschipp of his adverse pairty, we have thocht meete to

Edinburgh, 17th November 1608. Letter from the Council to the English President and Council resident at York, in favour of James Scott.

recommend him to your goode Lordships, requeisting your Lordships most effectuuslie to tak particulair notice of his complaynt, and, after dew tryale and examinatioun thairof, that your Lordships will foster, assist, and further him to justice and reparatioun and redresse of his losse, as in equitie by the lawis and observatioun of that kingdome you may lauchfullie do. Quhairin as you sall minister unto us just occasioun to showe the lyke favour to your cuntrey people in thair reasounable suitis, so you sall gratifie us with thankfull pleasour. And sua, recommending you unto Godis divyne protectioun, we rest your verie loving freindis,—A., Cancellarius, Sanctandrois, Cassillis, Wyntoun, Lotheane, Perth, Bugcleuch, Halirudhous, R. Cokburne.—To oure verie honnorable goode Lordis, the Lord President and utheris of his Majesteis Counsell resident at York." Royal Letters, 1604–1612. Page 169.

Royston, 21st November 1608.

Letter from his Majesty to the Council, anent the discovery of Lord Balmerino's offence, referring them to Archbishop Spotswood for further information in that matter, and charging them to punish any unauthorised rumours on the subject.

"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele:—Tyme, the moder of treuth, having now discovered and broght to licht that long obscured and most haynous offence and cryme committed be the Lord of Balmerinoch aganis oure honnour, credite and reputatioun, and whiche now by his cleir confessioun is manifest to all the world, and we thairby purgeit of those most unjust and wrangous imputationis whilkis we did undirly by the foull abuse of that truste we had in him; quhairof bothe we and all oure subjectis haif no small caus to thank God, since the cariage of the actioun in the discoverie of it may justlie be said to haif bene done by Godis awne finger; and, as we have hithertillis spaired to acquent you particularlie with the hole circumstanceis of his confessioun and examinatioun untill suche tyme as the same wes once heir finissed, so by the richt reverent fader in God and oure richt trustie counsellour, the Archbischop of Glasgow (who wes ane ee-witnes and heirair of the same and is now returning thither), you may be at lenth informed of the same. Bot, becaus the Devill nevir wantis his awne suppostis, reddy to mak fals subgestionis in preassing by miscontrueing of thingis to harme the treuth reveilled, and that thair may be perhappis some fals rumouris and bruteis thair spred in extenuating the qualitie of the offence on his parte and deryving in some sorte a parte of the blame of that mater on us, as it is a proude malaparte bauldnes and presumptioun for the best of oure subjectis to meddle in ony thing that may concerne oure credite and honnour without a very goode warraunt, and that all pretenssis of mistaking or trusting to uncertane reportis ar so far to be misregairdit as thay rather justlie deserve the greatair severitie to be used aganis suche as will excuse thameselffis thairby, so, to represse suche insolent wantonnes in ony of oure subjectis thair, who ather oute of malice do forge thame or oute of thair vayne, folishe and ydill branes do frame thame, we will and command you to tak particulair tryall of all suche as hes bene or heirefter salbe authouris and spredaris of ony rumouris or bruteis in this mater utherwayes then salbe by the Archiebischop reportit unto you, and that you caus the rigour and extremitie of Page 170. Page 171

Royal Letters, 1604-1612.

oure lawis be execute aganis thame, that thairin we may haif a speciall prooffe what dew accompt you mak of oure reputatioun and credite, whiche unto us is moir deare then oure verie lyffe. And, referring all forder to the Archiebischoppis relatioun, whome we will you to trust, we bid you fairwele.—To oure richt trustie," &c.[1]

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"After oure verie hairtlie commendationis to your goode Lordship:— Upoun occasioun of some contraversie and trouble whiche wes lyke to fall oute betuix the Lairdis of Lundie and Largo anent ane seat and dask whiche wes biggit be Umphra and James Lundyis within the kirk of Largo, it wes thocht meete and expedient, for eschewing of trouble betuix thir pairtyis, who ar tender kynnismen and neir freindis and nichtbouris, that the said dask sould be removit furth of the said place, and sett in some other commodious place of the kirk, and that nane of the pairtyis sould sett ane dask thair heirefter. And the executioun of this ordinance is thoght meete to be committit to your Lordship, not onlie in respect of your awne credite and authoritie in those boundis, as being one of his Majesteis honnorable Counsell, bot in respect of your place and charge as commandair of his Majesteis gaird. And thairfoir these ar to requeist and desire your Lordship effectuuslie to repair to the kirk of Largo, at some convenient tyme quhen your Lordship may best serve, and that you caus remove the said dask furth of the place whair it now standis and sett the same in some other commodious place of the kirk quhair your Lordship sall think most meete and convenient; quhairthrow all forder occasioun of trouble betuix thir partyis may cease. The sonner that your Lordship caus this to be done is the better, in respect of the present heit and miscontentment betuix the partyis. And sua, remitting this to your cair and diligence, we committ you to God. Your very loving freindis,— A., Cancellarius, J. Cokburne, R. Cokburne, Haliruidhous, Whittinghame, Jo. Prestoun.—To oure verie honnorable goode Lord, the Lord of Scone, Capitane of his Majesteis Gaird."

Edinburgh, 24th November 1608. Letter from the Council to the Lord of Scone, requesting him to see to the removal of a seat and desk in Largo church.

Page 175.

"We haif ressavit your Lordshipis letter of the 17 of November last in the behalf of James Scott, the beirair heirof; who (as he pretendeth) hes bene soir bett and hurte in ane assault maid upoun him in his Majesteis towne of Newcastell upoun Tyne by certane personis thair. For redresse wherof the said James Scott hath alreddy, befoir he delyverit unto us your Lordshipis said letter, exhibited his bill of complaynt into the courte holdin befoir us and utheris of his Majesteis Counsell in these pairtis aganis all the offendouris in that behalff. Now, these may be to signifie unto your Lordships that, als wele in respect of your Lordshipis letter as of the wrong offerred unto the poore man, we haif sett doun speciall ordour that the same caus sall ressave a spedy heiring and with als small charge as may be, and have appointed that mater to be hard in

York, 5th December 1608. Answer from the President and Council resident at York, anent James Scott.

[1] For the famous case of Lord Balmerino, as far as to the date of this letter, see *ante*, p. 166, p. 171, p. 186, and p. 191, footnotes.

Lent nixt; till whiche tyme we haif gevin him tyme to mak the best prooffe he can in his said caus; and do purpois at the heiring of his mater to afforde him that reasounable favour whiche the equitie of his caus sall deserve. And thus we leave youre goode Lordshipis to the protectioun of Almichtie God. Your Lordshipis verye loving freindis,—Tho. Fairfax, Jo. Gibson, W. Ellis, W. George.—To the richt honnorable oure verie goode Lordis, the Lordis of his Majesteis Counsell within his Heynes kingdome of Scotland, at Edinburgh." Royal Letters. 1604-1612.

Edinburgh, 6th December 1608.

Council to the King, in answer to his Majesty's letter of 21st November respecting Lord Balmerino's treason.

"Most gratious Soverane:—We ressaved your Majesteis letter of the xxi of November, and hes hard at grite lenth the relatioun maid by the reverend fader in God and your trustie counsellour, the Archiebischop of Glasgow, anent the confessioun and whole circomestanceis of that lang obscured and most haynous and inexcusable offence committit be the Lord of Balmerinoch aganis your credite, honnour, and reputatioun,—quhairin, as sensible and feeling memberis of so glorious and gratious a heade, finding our awne interesse, greif and sorrow that your Majesteis most famous and unspotted name, honnour and credite, whiche your Heynes hes to this hour so religiouslie conservit in all puritie, sould haif bene so unworthelie and in so heich a point broght to questioun be ony of oure nomber, quho hes that honnour to be selectit be your Majestie to the chief credite of your service heir, so with most joyfull, humble and thankfull hairtis to God we acknowlege that grite blessing and benefeit whiche it hes pleasit His divyne Majestie to show unto your Heynes, by the detecting and discoverie of that purpois, and vindicating the sinceritie and innocencie of your royall hairt frome all suspitioun of the wrangous and unjust imputationis whiche your Heynes undirlay thairin,—manifesting thairby His divyne cair and providence whiche He hes evir had over your sacred persoun, honnour, and estate, and in quhat detestatioun he holdeth all practizes and purpossis prejudiciall thairunto. And, wheras in the censureing of this fact befoir your Majesteis honnorable Prevey Counsell of that kingdome, thay (be your Majesteis directioun we doubt not) have remittit the full tryale thairof to the lawis and formes of this cuntrey, with mony demonstrationis and oppin speecheis concerning the goode opinioun thay haif of the equitie of oure lawis and sinceritie of oure affectioun in your Majesteis service, we haif not onlie infinite occasioun, with all humilitie, first to thank your sacred Majestie and nixt thame for so respective a reservatioun to us of that whiche your Majestie knowis to be proper and dew to the previlege and freedome of this your ancient and noble crowne. Bot we hoip, God willing, to gif unto your Majestie a prooffe that with all fidelitie, cair, and sinceritie we sall prosequute and follow oute quhatevir it sall pleis your sacred Majestie in your princelie wisdome to command, als wele in this as in ony other thing tuicheing your Heynes in honnour and estate. And in the meantyme, yf ony of your Majesteis subjectis hes bene or salbe so undeutifull, foolishe, and unworthie as to gif oute ony fals brutis and Page 171. Page 172.

Royal Letters, 1604-1612.

rumouris aganis the undoubtit treuth and veritie of this mater, or to the extenuating thairof in ony poynt, we sall not faill so exactlie to examine and punishe the same as utheris salbe terrifeit to fall in the lyke errour heirefter. And sua, praying God still to upholde your sacred Majestie, with all your royall progenye, under His divyne and faderlie protectioun and saulf gaird, we rest for evir your Majesteis most humble and obedyent subjectis and servitouris,—A., Cancellarius, Sanct Androis, Mar, Perth, Lotheane, Bugcleuch, Torphichin, Haliruidhous, Beulie, Ros, Garleis, J. Cokburne, R. Cokburne, Sir T. Hammiltoun, Jo. Prestoun, Sir Robert Melvill, P. Rollok."

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"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele:—Having red that your letter sent with the commissioun desirit by those oppressit people, complenantis upoun the Erll of Orknay, howsoevir the same is groundit onlie upoun civile hoirningis, and that the commissioun contenis leveying of men, beseiging of houssis, rasing of fyre, and dispensatioun with slaughter in the useing of it, togidder with a warrant of concurrence of the cuntrey people of Caithnes, whiche is thoght may breid a forder unquietnes; and that the lyke commissionis hes not bene grantit except quhair the rebellioun wes for a criminall caus: yitt, haveing deulie considderit the miserie of the poore distressit people, whose hard famiseing estate is worse then deathe, the nomberis of thame (whiche is a grite presumptioun that some of thame hes over just caus), thair continuall outcryes and exclamationis heir, to the grite scandale of oure kingdome and Counsell thair, as yf oppressioun wer tollerated thairin and that the Counsell wer cairles to remedy it, and then the Erll of Orknayis awne contemptuus rebellioun, nevir preissing ather to satisfie the pairtye or relax himselff fra the horne: the continewance of whiche dissobedience, albeit for a civile caus, can haif no better constructioun of us then that it is become of the natour of a criminall;—we, upoun the respectis foirsaidis, being loath that the distressit sould not haif the benefeit of oure releiff, and the proude and rebellious not feill the weght of oure just wraith and indignatioun, have concludit to grant the said commissioun in forme as it is desyrit, and hes signed and send the same heirwith unto you. Bot, as we haif ever bene unwilling to condemne ony pairtie unhard, and thairwith loath to cutt af a member quhair thair is ony hoip of recoverie thairof, we haif thoght meete to will you by oppin proclamatioun charge the Erll of Orknay to compeir befoir you the secund day of Marche nixt to come, for to gif all dew and reasounable satisfactioun that may be justlie demandit of him by ony who presentlie ar complenantis on him, so as we be no forder troubled nor importuned with thair petitionis; with certificatioun to him, yf he faill of his appeirance that day, that not onlie the foirsaid commissioun salbe grantit to those who presentlie desyris the same in suche forme as it is soght, bot thay in the executioun thairof salbe assisted with oure pouer and authoritie bothe by sea and land for the punisheing of his rebellioun. And, yf he do

Thetford, 6th December 1608.

Letter from his Majesty to the Council, anent the oppressed people of Orkney, with direction to call the Earl of Orkney to account.

compeir at the day foirsaid, you sall tak some goode ordour that he may be furthcomeand untill suche tyme as he haif ather cleirit or satisfeit all complenaris aganis him. And, in cais of his not compeirance, you sall then expeid this present commissioun and delyver it to the pairtyis sutearis; and you sall gif unto thame suche warrandis for concurrence of the cuntrey or quhatever ellis may furder the prosequutioun of the commissioun. For doing wherof thir presentis salbe your sufficient warrand. And, willing you to be cairfull in the speedy directioun of this proclamatioun, as you wald eshew oure reprooffe for ony neglect of tyme thairin, we bid you fairwele.—To oure richt trustie and weilbelovit cosines and counsellouris, the Erll of Dunfermling, our Chancellour, and remanent Lordis and utheris of oure Prevey Counsell of Scotland." Royal Letters, 1604–1612. Page 175.

Edinburgh, 7th December 1608.

Letter from the Council to Sir William Cranston, urging his diligence for the apprehension of William Geddes, who has abducted Katherine Weir.

"Richt traist freind, efter oure hairtlie commendationis:—Thair hes bene this last nicht bigane ane verie grite insolence committit within this burgh, under cloude and silence of nicht, be Williame Geddes, sone to Thomas Geddes, burges of this burgh; who, with his compliceis, bodin in feir of weir, most unhumanelie and forceablie revissed and tuke away with thame Katherine Weir, a young damsell of xiiii yeiris of age, and ar gone with hir, as we ar informed, towardis some pairtis of the late Bordouris, moved heirunto in regaird of that provisioun of geir maid to hir be hir umquhile fader and moder, that restis with God. Quhilk fact being odious and detestable befoir the all-seeing ey of God, who in His awne appointed tyme will not suffer the same to pas over unpunist, so the same is expres aganis the lawis of this kingdome. And we ar certane the reporte thairof wilbe most offensive and displesant to his Majestie, who, in his religious dispositioun to justice, doeth most vehementlie abhor suche barbarous factis, as not worthie to be hard of in a cuntrey subject to a prince, law and justice. And thairfoir we haif thoght meete to recommend this mater unto you, requeisting and desiring you effectuuslie to lay oute speiring for thir personis in all pairtis of the cuntrey wher your authoritie, freindship, or credite may serve; and, yf be ony possibillitie you may haif notice of thame, that immediatlie you searche and apprehend thame and present thame heir to his Majesteis Counsell. Wherin as you sall do a worke most acceptable and plesant to God, and most worthie and thankfull service to his Majestie, so sall you procure unto yourselff ane eternall praise, honnour, and commendatioun of all men, and we sall not faill to recommend the same unto his Majestie; who, we doubt not, will remember thairof accordinglie. And, remitting all forder to your cair and diligence, we bid you richt hairtelie fairweele. Your verie goode freindis,—A., Cancellarius, Perth, Jo. Prestoun, Sir T. Hamiltoun, Sir Lues Craig, Sir Jo. Arnott.—To oure richt traist freind, Sir Williame Cranstoun, knycht, Capitane of his Majesteis garysone." Page 173.

"Richt trustie and weilbelovit cosines and counsellouris, we greete you weill:—Wheras it is meaned by the Lord Uchiltrie that many of the Page 177.

Royal Letters, 1604–1612.

principallis of the name of Douglas doe bere rancor and evill will at him for the late slauchter of James, Lord Torthorwald, as we can not abyd the reviveing of that uglie monster of deidlie feid in that kingdome,—whiche, howsoevir usuall in all pairtis thairof at oure comeing to the crowne, wes by oure gryte panes and travell taken in oure awne persone ones suppressit,—so we ar most willing that the ordinary course of law and justice salbe patent to all oure subjectis. And thairfoir you shall call afoir you all suche of that name, or utheris whomesoevir the said Lord Uchiltrie sall give in note and at quhaise handis he standis in doubt of any intended unlauchfull revenge, and ather caus thame to assure oure peace that thay sall doe nothing bot by ordour of law aganis him, or utherwise you sall commit thame untill suche tyme as we give farder ordour concerneing thame. And for suche as sall not compeir, upoun thair denunciatioun you sall prosequute the ordinary course against oure rebellis, we being desyrous to provide for the indempnitie of the said Lord Uchiltrie, whose service in his lieutennantrie of the North Yllis, as we ar pleasit thairwith for that he haith alredy done, so do we expect his continewance and performance of better service heirefter in tyme comeing. Willing you thairfoir to be cairfull for his securitie, we bid you fairweele.—To oure richt trusty," &c.

Whitehall, 23rd December 1608.

Letter from his Majesty to the Council anent the Douglases and others in feud with Lord Ochiltree on account of the slaughter of Lord Torthorwald.

'age 175.

"Most gratious Soverayne:—We ressaved your Majesteis proclamatioun anent the restrent of transporting of tymmer; and, haveing red and at grite lenth considderit the same, we can not bot rander unto your Hienes

'age 176.

oure most humbill thankis for that gratious and confortable remembrence and cair whiche your Majestie doeth still hold over this Estate,—that, althoght your Hienes be absent in persone, yitt, by your lyvelie and halesome directionis in everie thing whiche may importe the goode of this commounwele, your Majestie is evir present. And, wheras the experience of the undoubt reasoun of all your Majesteis directionis might have moved us without ony forder scruple to haif exped and publist this proclamatioun in the tennour as it is consaved, yit we haif presomed to continew the same some shorte space, and in all reverence to present unto your Hienes oure simple and waik opinioun thairanent; whiche we alwise submit to your Majesteis mair rair and excellent judgement. It is notour, and we doubt not bot your Majestie undirstandis sufficiently, that in no tyme bigane within the memorie of man thair hes bene ony tymmer transported furth of this kingdome, the haill cuntrey being almost naked and mony yeiris ago spoiled of all the tymmer within the same, so that now thair is no such a quantitie thairin as may serve the hundrethe pairt of the necessair uses of the same: whereby your Majesteis subjectis hes bene constraynit, under the favour and tollerationn of uther Princes, to mak thair provisioun and furnesing of tymmer, and from foreyne partis to supplie this defect and want of thair awne cuntrey. And now, yf unnecessarly and without ground, caus, or necessitie, suche a generall restrent sall be maid in this kingdome, it is verie probable and lyklie that

Edinburgh, 29th December 1608.

Letter from the Council to his Majesty, anent the restraint laid on the export of timber.

uther Princes upoun notice thairof sall mak the lyke restrent in thair boundis, and sua altogidder spoile your Majesteis subjectis of that so necessar a benefeit, whiche goodlie thay can not want. And thairfoir (with your Majesteis correctioun) we think meete that the generall restrent salbe onlie astricked to suche particular wodis as your Majestie intendis to mak use of for your awne schipping and uther your necessar adois, and that the proclamatioun mak speciall mentioun thairof,—quhairby we ar of opinioun that it sall everiewhere ressave a favorabill constructioun, and that na hald sall be tane thairupoun be ony foreyne Prince to mak a generall restrent within thair boundis to the prejudice of this cuntrey. And, as to the uther part of that proclamatioun touching the prohibitioun of making of yrne myles in ony wodis or forrestis or distroying the tymmer thairof upoun the working of yrne, it is thoght that the preparative thairof may carye some prejudice to your Majesteis subjectis, who be the lawis and customes of this kingdome ar frie to mak use of thair awne commoditeis within the countrey to thair best advantage. And, as we understand, thair is not a yrne mylne within this countrey, and the litle quantitie of yrne that is maid heir is onlie wroght with skrogis, bewghis, branches and auld stokis and cuttingis of tymmer, whiche can serve for na uther use. And thairfoir, yf it may stand with your Heynes pleasour, we will intreate your Majestie to suffer that article rest till this approcheing Conventioun of the Estaites, that then (seing it is a commoun actioun quhairin every man pretendethe intres) it may be ressonit, disputit, and ressave authoritie accordinglie. Bot in this and in every other thing ellis submitting oureselffis to your Majesteis princelie censure, and humelie craving pardoun of your Hyenes for oure presumptioun to continew that whiche in your excellent wisdome you haif directit to be done, we end with oure hairtlie prayeris to God for the preservatioun of your Majestie and all your royall progenie in helthe and felicitie. *Sic subscribitur:* your Majesteis humbill and obedient subjectis and servitouris,—Al., Cancellarius, Mar, Sanctandrois, Glasgow, Ros, Orknay, Saltoun, Balcleugh, Halieruidhous, Blantyre, Sir Thomas Hammyltoun, Justice Clerk, Previe Seill." Royal Letters, 1604-1612. Page 177.

Edinburgh, 29th December 1608.

Letter from the Council to his Majesty, anent a petition of John Buchannan, husband of Margaret Hartsyde, banished to the Orkneys.

"Most sacred Soverayne:—We haif bene privilie delt with on the behalf of Johnne Buchannane, spous to Margaret Hartesyd; and now at last he gaif in his petitioun to us, being convenit in Counsell, craving a relaxatioun and releiff fra his present warde and confyneing in Orknay, in regaird, as he pretendis, that he hes committit no cryme nor offence,—thair is no decreit, convictioun, nor criminall sentence standing aganis him,—and that the oversight and offence of his wyff sould not be impute to him as a cryme or infer ony suche punishment aganis him, who is your Majesteis lauchfull, ansuerable, and lawbydding subject; and farder that his haill rent, moyanis and what els appertineth unto him is in this cuntrey, wherwith he can tak no ordour so long as he remanes confyned. This petitioun being hard, examined, and dewlie considerit, we haif remittit him Page 178.

Royal Letters, 1604–1612.

to your Majesteis awne clemency and favour, seing that oversight and offens committit be his wyff concernis your Majestie and your darrest spous,—wherin we will not presome to grant ony favour bot be your Majesteis speciall directioun and warrand. And, whatevir it sall pleis your sacred Majestie to command in this mater, we sall in all reverence conforme ourselffis thairunto. And sua, praying God to blisse your sacred Majestie and your royall progenie with all happines and felicitie, we rest for evir your Majesteis most humble and obedient subjectis and servitouris.—*Sic subscribitur:* Al., Cancellarius, Sanct Androis, Glasgow, Mar, James, Bishop of Orknay, Blantyre, Halieruidhous, Edzell, Previe Seill, Jo. Prestoun, Quhittinghame, Petir Rollok."

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"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele:—The appeirand dangeir of the brek of oure peace and the feir of unquietnes of the cuntrey having moved us to gif ordour for the committing of the present Erll of Athoill within oure castell of Edinburgh, thair to be retenit untill suche tyme as the suirtie of the cuntrey wer provydit for, we thairefter persaving quhat small benefeit did aryse by his retentioun in warde, and how unable he wes to discharge the place he wes borne to, and that his awne unworthynes had procureit the contempt and disdanefull dissobedyence of suche who wer accustomat heirtofoir to serve and follow the formair Erllis of Athoill, and that brokin men and sornaris did daylie increscе within his boundis, we thairupoun did send for him hither to oure courte, and at his comeing, without ony motioun maid by us thairof, he, acknowlegeing his awne unworthynes for suche a place and the greate burdynes he did undirly, his hole estate for most parte morgaged

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and the small or no portioun at all almost of free rent remaning, humelie intreated that we wald disburdyne him of this unsupportable charge, and thairupoun did then subscryve a band yit extante. Bot, whill some forder ordour wer concludit for satling of that busynes and provyding of some fitt worthie man for that place, we did returne the said Erll of Athoill in the charge of oure trustie and weilbelovit counsellour, the Lord of Blantyr, having directit oure speciall warrant for his ressett within oure castell of Dunbartane, thair to haif stayed untill suche tyme as boith he wer unlaidnit of that whiche he wes not able to beir and his creditouris satisfeit at whose instance he wes arreistit in his formair warde: we having thairwith remitted unto the said Lord of Blantyris discretioun the useing of that warrand as he sould think meete, ather be entree of the said Erll of Athoill in warde or saulff retening of him in his awne company to be furthcomeand. And we being now informed that the Lord of Blantyr, being credulous of the utheris honnestie and too far trusting unto him whose facilitie and unworthynes deserved no suche credite, did reteyne him at his awne house, dreameing of nothing les then that he ather durst have interprisit ony suche foolishe course as his eschaip (wherin we holde oureselffis particularlie wronged, bothe in regaird of the band maid unto us and of the hurte of the creditouris by whome he wes arreisted)—as we

Whitehall, 30th December 1608. Letter from his Majesty to the Council, anent the Earl of Atholl, with past history of the Earl's case, and directions in it for the future.

can not bot in some sorte be offendit with the Lord of Blantyr for his cairlesnes and neglect of the charge committit to him, so we ar to will and command you, upoun ressett heirof, immediatelie direct chargeis in the most strait and rigourous forme that the law will permitt aganis the said Erll of Athoill for his compeirance befoir you, since his folie must not in this caise be ane apologie for him, and that we will haif none of oure subjectis to presome so far at thair awne hand without licence to tak libertie when thay ar at commandiment, we holding this his eschaip in that same qualitie of the brek of oure warde. And, upoun his compeirance, you sall tak ordour for his sure furthcomeing by committing of him in the castell of Edinburgh, and certifie us thairof with speede, to the effect we may acquent you with oure forder mynd and pleasour heirin. And, becaus it is informed that some personis thair, suche as the Maister of Tullibardin, Laird of Grant, and one Mr James Stewart, commissary of Dunkeld, haif bene the speciall plottaris and contryvaris of his eschaip, and hes suppleit, mantenit, and accompanyed him sensyne, as none of thame could pretend ignorance of oure interesse heirin and of his restrent by oure directioun, so, yf the informatioun be trew, we hold thame worthie of no les punishement then yf thay had assistit one in the brek of oure warde. And thairfoir you ar to charge thame to compeir befoir you and tak tryale heirof; and, upoun discoverie of ony of thair guyltynes as being accessorie heirto, you ar to committ him or thame so tryed in warde within some of oure castellis untill suche tyme as we certifie you oure forder pleasour concerning thair punishement. And, remitting this mater to your speciall cair and spedie executioun, we bid you fairweele.—To oure richt trustie and weilbelovit cosines and counsellouris, the Erll of Dunfermling, our Chancellour," &c.

Royal Letters, 1604–1612.

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Whitehall, 7th January 1609. Letter from his Majesty to the Council, concerning the harbour of Ayr.

"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele:—Petitioun hes bene preferrit unto us by the burgh of Air for some supplee to be gevin unto thame for outredding of thair worke alreddy begun of thair harbory, complening of thair awne inhabilitie to perfyte the same, in regaird of thair infinite hurte sustenit the tyme of the last plague, the povirtie of thair burgh, and of the gritnes of the worke itselff, having thairwith used motives to persuade us heirto in respect of the necessitie of that harbory and commoditie of schipping thairat, and the benefeit that may be had by transportatioun of men as occasioun shall require upoun suddantie ather to Yrland or to the Yllis, and that thair is no suche harbory or porte furnissed with the lyke nomber of schippis, veschellis, and barkis alangis all the west coist of our hoill Yland (Bristoll onlie exceptit), and thairupoun hes maid sute for the customes of thair awne poirt for the space of fyve yeiris efter the ishew of the present customaris tak. Wherin, howsoevir we haif bene desyrous to help all suche commoun workis, and haif not spaired to deale very liberallie furth of oure awne patrimonie for advanceing the same,—as the lait prooffis gevin to the burgh of Sanct Johnnestoun and for defence of Dunbartane frome

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oyal Letters, 604–1612.

inundatioun of watteris may cleirlie testifie,—yitt, yf all commoun werkis must be biggit and done upoun the rentis of our patrimonye of that kingdome, we neid nevir to expect ane penny of it to the worldis end. Alwayes in this mater we ar to will you to tak tryall and cognitioun of the necessitie of the upholding of this harborye, of the harme that may ensew by decay thairof, of the benefeit that we and that Estate may ressave by the continewing and finissing of that worke begun, of the meanis and habilitie of the burgh itselff and inhabitantis thairof to performe the same, of the estate of thair commoun, and to adverteis us particularlie of the same, and thairwith of your advyse what is fittest heirin; since, howevir we wilbe loath to hurte oure rent, yitt will we be als unwilling to suffer ony so necessair a thing bothe for strenth and traffieque decay and perishe for laik of help and supplee. And, expecting your ansuer heiranent, to the effect we may thairupoun tak suche forder course thairin as salbe fitt, we bid you fairweele."

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"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele:—Whairas, by statute of Parliament in the yeir of God 1563 and ratifeit of new in the yeir of God 1579, the exportatioun of sea coillis to ony foreyne pairtis is expreslie prohibite and forbiddin; and it being certifyed unto us that grite nomber of strangearis do repair thither for taking in of coillis, and lykewayes that sindrie of oure subjectis, nochtwithstanding of the said prohibitioun, do laidin thair schippis with coillis, and do carye the same to foreyne pairtis, wherby so necessarie a commoditie sall become scairse to oure awne subjectis, as it sall turne to the utter undoing of the poore who must provyde thameselffis of this soirt of fyre: and thairfoir oure pleasour and will is that by oppin proclamatioun, upoun the warrant of that statute, you prohibite and discharge all transporting of sea coill quhatsomevir to ony pairtis beyond sea in ony schip or boit, forder then may serve for thair furnissing and provisioun in that present voyage. And, that all fraude and dissait may be avoidit heirin upoun a pretens maid to bring those coillis in this kingdome, and then to carye thame beyond sea, oure will and pleasour is that the officeris of oure customes, clerk of oure cocquett, or ony other most fitt in your opinioun for that purpois to be imployed, sall tak band of all suche as sall offer to bring ony coillis hither (whiche we do not intend noway to prohibite, bot that thair salbe a communioun and intercourse of the commoditeis of the one kingdome to the uther), under grite soumes, for returning a testificat of thair laiding heir. And, desiring you that all suche bandis as salbe forfeyted for the caus foirsaid may be first persewit and exactlie tane up, and that you wald be cairfull in directing and executing of this our present command, we bid you fairweele.—To oure richt trustie," *ut supra.*

Whitehall, 9th January 1609. Letter from his Majesty to the Council, for restraining the exportation of coals.

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e 188.

"Richt trustie and weilbelovit cosines and counsellouris, we grete you weele:—As in all ageis past, and at the present, through most kingdomes and staitis, thair is evir speciall regaird had to the cheif and principall

Whitehall, 9th January 1609. Letter from his Majesty to the

Council, specifying the precedence due to the Chancellor and Treasurer in virtue of their offices.

officeris and magistratis, in geving unto thame thair dew pre-eminenceis and Royal Letters, 1604–1612.
prioritiyis in regaird of thair placeis and chargeis, and als ane ordinarie
custome everiequhair that these magistratis in thair comeing abroade do
carye some speciall noitis, markis, and badgeis quhairby thay ar knowne,
dignified, and accordinglie respectit and reverenceit:—As we do weele Page 189.
allow of the goode forme observed by our Chancellour thair in careying of
oure grite seale inclosed in a pock, so oure will is that he sould haif a
mace of silver ouergilt borne befoir him. And, forder, oure pleasour and
expres will is that oure Thesaurair of that oure kingdome, present, and whosoevir salbe heirefter, sall, at all suche tymes as he hes occasioun to repair
to ony of oure counsellis and conventionis or uther publict meetingis, or
sall onyway come abroade in ony of oure streitis of ony burgh, citie, or
towne in that oure kingdome, cary a silver ouergiltit maice by one immediatlie going befoir him, as speciall noitis, badges, and markis of the placeis
whiche thay posses: as alsua, in respect of his office, to haif the nixt
place to oure Chancellar of that oure kingdome in all sessionis, meitingis,
or ony uther tyme quhen thair may be distinctioun of ony pre-eminenceis.
And that boith the Chancellour and Thesaurair in all tyme heirefter, albeit
those officeis happin to be possest by some under the degree and rank of
nobilmen, sall not the les, in regaird of thair placeis and induring thair
continuance in the same, tak the prioritie bothe in sitting and walking
abone ony nobleman in that kingdome. Whiche forme heirtofoir hes no
doubt bene in custome thair, howevir now of lait worne in dissuetude,
and whiche we ar willing sould now be revived, not onlie for the credite
of the placeis bot alsua for the honnour of the cuntrey. And, willing you
to caus record the premissis in the Bookis of oure Prevey Counsell, to haif
the force of ane Act in all tyme heirefter,—for doing wherof this salbe your
sufficient warrant,—we bid you fairweele.—To oure richt trustie and
weilbelovit cosines and counsellouris, the Erll of Dunfermlyne, our
Chancellour, and remanent Lordis and utheris of oure Counsall of that
our kingdome of Scotland."

Whitehall, 9th January 1609. The Earls of Dunfermline and Dunbar nominated Commisioners for the Convention of Estates.

"Richt trustie and weilbelovit cosines and counsellouris, and otheris oure Page 181.
goode, loving, and obedient subjectis of the Esteatis of that oure kingdome
presentlie convenit, we greete you weele:—Wheras we haif thoght
meit, for authorising of certane conclusionis of the lait kept Generall
Assembley maid for repressing of the grite incres and grouth of contrarie
professouris, being dangerous subjectis in the Esteate, and for utheris
caussis to be imparted unto you in this meeting, to appoint the Generall
Conventioun of oure Esteatis, we haif thairupoun maid especiall choise of
our richt trustie and weilbelovit cosines and counsellouris, the Erll of
Dunfermlyne, Chancellour, and the Erll of Dunbar, Thesaurair, of that
oure kingdome, to be our commissioneris thairat: unto whome we haif
committit the trust of the proposing of all materis to be moved thairin,
and als haif remitted unto thair cair and diligence to see everie thing
prosequuted and concludit that may serve for advancement of the trew

Royal Letters, 1604–1612. Page 182.

religioun professit, for the setting fordwart of oure service, and for the commoun weale and benefeit of that whole kingdome. And, noway doubting of your speciall regaird bothe of the message and messingeris with all dew respect that appertenis or is requisite, we bid you fairwele.—To our richt trustie," *ut infra.*

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"Richt trustie and weilbelovit cosines, counsellouris, and uthiris our trustie, deutifull, loving and obedient subjectis of the Esteatis of that oure kingdome presentlie convenit and mett togidder, we greete you hairtlie weile:—As oure cair hes evir bene to avoyd the overchargeing of oure subjectis with ony unnecessarie burdynis, we having ever detestit and abhorrit the introductioun of ony new innovationis,—whiche, howsoevir by privat men for thair particulair gayne wer pretendit for a generall weele and benefeit of the whole Estate, do often prove nothing bot a cullour for ane extraordinair intendit extortioun of oure subjectis,—so we haif bene certifyed by oure richt weilbelovit cosine and counsellour, the Erll of Dunbar (of whose faith and trust in oure service and love and affectioun to the weele of that oure kingdome we haif had mony most singulair experienceis and prooffis) of a generall complaynt maid be oure subjectis thair of this laitlie erected Secretaris Register. Wherin, it being unknowne unto us quhidder the same of the selff be absolutelie necessarie, as it wes ones so pretendit and thairupoun granted, or yf the caus of complaynt be arissin upoun the abuse thairof in thair extortioun who wer trusted with the keeping of those bookis, and in his neglect and connivance thairat who wes putt in cheif truste and ought to haif remedyit it, we could find no fitter messinger to communicat the mater unto then to him who, oute of no privat respect, bot for the weele of oure subjectis thair, and for remeid of thair complaynt, hes imparted the same unto us. And thair could no better occasioun be offerrit then in suche a Generall Conventioun and meeting of the Esteatis of that oure kingdome, when (no questioun) everie just greif is knowne to some that ar present. And thairfoir we ar to will you to considder heirof, and to see what is expedyent heirin; and, yf ye find the continewance thairof unnecessarye and noway proffitable to oure subjectis, and nather a meane to prevent falsityis nor a way to assuir men in thair purchessis, then we do willinglie condiscend to a repealing of that statute quhairby that Register wes erectit, and willis you by ane act of your Conventioun to discharge the same in all tyme heirefter. Bot, yf upoun ony reasounable just caussis for the weele of the subjectis you sall find a necessitie of the continuance thairof, then we wishe suche speciall ordour to be sett doun by you for the goode usage of oure subjectis, and suche hard and seveir panes to the contravenaris keeparis of those bookis heirefter injoyned, as bothe thay may be affrayed to offend and oure subjectis for that caus may haif no forder caus of complaynt: willing you heirwith to gif commissioun to some few oute of every Estate to trye the bigane abuses committed by those deputyis in tymes past, and to irrogat suche panes upoun thame thairfoir

Whitehall, 9th January 1609. Letter from his Majesty to the Convention of Estates, anent the Secretary's Register.

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as thay haif deserved,—wherin you sall do us acceptable service. And so we bid you fairweele.—To oure right trustie and weilbelovit cosines and counsellouris, and to oure trustie and weilbelovit the nobilitie, clergye, and commonis of that oure kingdomé of Scotland, now presentlie conveyned." Royal Letters, 1604-1612.

Whitehall, 9th January 1609. Letter from the King to the Convention of Estates, for an Act to prevent dearth of leather.

"Richt trustie and weilbelovit cosines and counsellouris, and utheris of oure trustie, loving and deutifull subjectis of the Esteatis of that oure kingdome, presentlie convenit, we greete you weele:—The havie complaint of all sortis of people, bot speciallie of the poorer sort, within that kingdome, of the extraordiner derth of ledder, wherby poore servandis upoun thair hoill yeiris wageis ar skairslie able to furneis thameselffis of shone, moves us to recommend this mater at this your publict meeting to your speciall consideratioun, thair being nothing moir the caus thairof then the too frequent transporting of hydis and leather frome thense to foreyne pairtis, and no meane better to remeid and help it then by a restrent thairof heirefter. Wherin we know it salbe objected be the merchant estate that the same is staple goodis and one of the gritest commoditeis wherwith thay do trafficque, and by bartering quhairof thay haif foreyne wairis affordit unto thame, and als that the restrent wald serve to small use, in regaird of the want of bark in that kingdome to tanne the same leather. Unto the whiche: of first the necessitie of the use of it at home moir now then in former ageis, quhen the most pairt of the poore ones went bairfooted, is sufficient caus to restreane that whiche wes formarlie permitted; and the other impediment, howevir neglectit in tyme past by reasoun the spoyle of wodis, must be suppleit heirefter by new planting, and in the meantyme; whill thair is no doubt that, the restreant ones concludit, one interchange micht be maid of tanned leather for raw hydes within some of oure awne dominionis, untill suche tyme as, by your awne cairfulnes to provyde what wer necessarye for the tanning of the same, you micht thairefter reteyne your awne provisioun for your awne use. And, remitting this mater to be deulie considderit by you for your gritest weele and benefeit, with some respect to the poor ones moves us most heirin, nochtwithstanding of oure knowne prejudice by the losse of oure custome for those staple goodis, which we do not regaird in this caise, we bid you fairweele.—To our richt trustie," *ut supra.* Page 186.

Royston, 13th January 1609. Letter from his Majesty to the Convention of Estates, concerning Church matters, the education of Scottish youths in foreign countries, and staying the increase of Popery.

"Richt trustie and weilbelovit cosines and counsellouris, and utheris of oure trustie, dewtifull and obedyent subjectis of the Esteatis of that oure kingdome presentlie convenit, we greete you wele:—As we holde oureselff in dewytie to oure God, being the nurisfader of his Churche heir on earth within oure dominionis, bound to advance the trew, antient, apostolique faith, presentlie professit amang us, and to suppres all contrair professouris, so, upoun knowlege of that conformitie of myndis and the affectioun of so grite a nomber of oure goode subjectis of all rankis and qualityis in that late kept Generall Assembley at Lynlythqu, and that the tairis of divisioun sowne heirtofoir by Sathan himselff amangis the clergye Page 182.

Royal Letters, 1604–1612.

wer new plucked oute by the roote, for the better resisting the commoun enemey, we could not bot in oure hairtis much rejoyce thairat. And, to testifie oure goode approbatioun of the proceding of that Assembley convenit be oure warrant, we did appoint this present Conventioun of you of oure Esteatis of that kingdome, that those thingis then moved at that meeting may by you be now ratifyed, and so prepairit agane the nixt Parliament to be past in statute. Whiche we haif thoght meete to sett doun in these few termis:—As first, becaus the vessell will ordinarlie ather a lang tyme or for ever reteyne the taist of the liquour first putt thairunto, and since nothing is moir necessarye to prevent the grouth and increscе of this defectioun frome the faith then the adverting to the educatioun and upbringing of the youthis, the sending of whome beyond see in placeis of contrary professioun, without being first weele groundit in religioun and accompanyed with pedagogis weele affectit to the same, makis thame often to returne bak so possest with superstitious and hereticall errouris as thay may justlie be suspectit to the Estait for dangerous subjectis in the same,—it is thairfoir meete to be concludit by act of this present Conventioun that ony suche noblemen and utheris as directis a pedagoig with thair sones oute of the cuntrey, that thair pedagoig be knowne godlie and of goode religioun, learned and instructit in the same, and approved in his religioun by testimoniall of the bischop of the diocie quhair the said pedagoig hes for maist pairt laitlie befoir maid his residence; and
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that thair remaning furth of the cuntrey be in the placeis quhair religioun is presentlie professit, or at the leist quhair thair is no restrent of the same by the crueltie of inquisitioun; that during the tyme of thair absence thay sall not have ony idolatrous exercise of religioun. And, suche as hes not the moyen to interteny with thair sones a pedagoig, that thay send thame to suche pairtis as religioun is professit in. And, in cais thair sones, efter thair depairtour oute of the cuntrey, hant the exercises of contrarie religioun, that thai find cautioun not to interteyne thame; and, in cais ony that passis oute of the cuntrey imbrace ony uther religioun nor that whiche is presentlie professit within the realme, that thay sall not be able to brouke honnouris nor officeis within the realme. And, to the effect it may be the better knowne how every one is disposit and affected in religioun, it is expedient that, at the service of the breveis of ony being major and of perfyte yearis, the pairtie suitair of the same sall, befoir ony proces had be him thairin, produce a certificate, under the hand of the Archiebischop or Bischop of the diocey quhair he duellis, of his conformitie to the religioun presentlie professit; quhairof thair salbe speciall mentioun maid in the service, and nather sall the same be ressaved in oure Chancellarie nor ony proces at his instance graunted thairupoun befoir ony judge in that kingdome withoute the same service contene the productioun of the said certificat. And, for suche as for not conformeing thameselffis to the religioun professit ather ar alreddy or heirefter salbe excommunicat, it salbe declairit that nouther be thameselffis nor utheris in thair names to thair behoove sall [they] posses ony

landis, rentis, or revennewis belonging to those personis excommunicat, that so this grite incres and grouth of papistis may be stayed, the trew professouris conforted, and that religioun may be advancit and sett fordwart. And, noway doubting of your zeale, affectioun, and love heirunto, according to your formair prooffis gevin of the same, we bid you fairweele.—To oure richt trustie," *ut supra.* Royal Letters, 1604-1612.

Royston, 22nd January 1609. Letter from his Majesty to the Council and Convention, anent the destruction of woods.

"Richt trustie and weilbelovit cosines, counsellouris, and utheris of oure trustie, loving and dewtifull subjectis of the Esteatis of that oure kingdome presentlie convenit, we greete you weele:—Being certifyed of the lait discoverie of some woddis within oure Heylandis of that oure kingdome, whiche of befoir by reasoun of the savagenes of the inhabitantis thairaboute wer ather unknowne, at the leist unproffitable and unused, and heiring that some now, upoun advantage of the generall obedyence, wald erect irne milnis in these pairtis, to the utter waisting and consumeing of these woddis, whilkis micht be reserved for mony better uses; and, howevir it is by some pretendit that in those works nothing bot underwodis and small grouth is consumed, yitt, by experience in thir pairtis and everyquhair els, it is fundin that thairby the whole wodis and bothe small and grite tymmer ar waisted; and thairfoir we ar to desyre you at this your meeting by speciall Act to mak a restrent of all forder waist of wodis by those workis, since God of his goodnes is pleasit daylie to discover new vaynes of moir riche mettallis, and that the wodis utherwayes will serve to mony other goode moir necessarye and proffitable useis. And, noway doubting bot heirin the generall benefeit of the whole Estate sall by you be regairdit and preferrit to ony few particulair men thair privat gayne or commoditie, so hurtfull to the whole liegeis, we bid you fairweele.—To oure richt trustie," *ut supra.* Page 183. Page 184.

Royston, 22nd January. Letter from his Majesty to the Convention, deploring the frequency of rape, desiring that subsequent consent of the woman should not exempt the offender from punishment, declaring that abduction should be punished capitally no less than rape, and that the next of kin should succeed to lands belonging to any girl under 16 years of age who is con-

"Richt trustie and weilbelovit cosines and counsellouris, and utheris of oure trustie, loving, and dewtifull subjectis of the Esteatis of that oure kingdome presentlie convenit, we greete you weele:—The odious and now too frequent cryme within that kingdome of revissing of wemen, being boith thair and elswhair by statute lawis appointed to be punissed with grite severitie and rigour, is, ather by the slaknes of the executioun of these lawis or by the obscuritie of the same, become so commoun as oute of this grouth of evill maneris the defectis ather in law or executioun thairof wald be amendit. Bot, becaus thair wilbe of this offence mony severall brancheis and degrees, we haif thoght meete to devyde the same, and according to the quantitie of the fault to add the greitar or lesse punishement. Whiche we wald haif to be by you considderit and past by act in this your Conventioun, that so it may pas in statute at the nixt ensewing Parliament. And, first, for those that do revishe ony woman, ather wedow, maryed, or mayde, and sall haif copulatioun with hir aganis hir will (the same being alreddy one of the pointis of oure crowne), quhat forder punishement then quhat is alreddy provydit salbe inflicted Page 184.

Royal Letters, 1604–1612. Page 185.

on thame we do remitt to your awne discretioun to appoint: whairin we wald haif it inacted that the first fact and the violence committed thairin sall not be purged by ony subsequent consent of the woman, bot that the offendour sall stand punissable by law notwithstanding thairof. And, becaus often revissingis ar committed wheron no forder actioun then onlie awaytaking does follow, speciallie quhair the pairtie revissed is by hir freindis, the magistrat, or by uther meanis, releved, we wald haif it declairit that in this caise, since the pairty offendour did his endevoir to committ the worst, that the same fact of the awaytaking of a woman aganis hir will, albeit reskewit in tyme, salbe not the les in the committair thairof a cryme capitall. And, becaus it is not the respect of the persone bot the ayme either at the goodis or landis of the pairty revissed in possessioun or appeirance that moves the fact, without all doubt some provisioun maid by statute to disapoint thame of these thair unlauchfull hoipis wald mak thame the les curious to offend heirin. And, thair being now a new forme used to avoid punishement in law, by preissing, without knowledge of the parent, tutour, testamentair, or guardian, of the mayde, being young of yeiris, and thairwith of fraill sexe, to intyse hir to go with thame, and so thay to convoy or to caus hir be convoyed away, we wald haif in this caise bothe a punishement appointit for the offendour, with a secluding of that pairty being thus corrupted and seduceit to go away without the knowlege or consent of fader, tutour, or guardiane, of ather whole or parte of that whiche otherwayes wald haif befallin hir, and the same to be declairit to accres to the nixt of hir kin, yf so the pairtie thus seduceit be within the age of xvi yearis; bot, being past of that age, it is presomed that thay ar come to those yeiris of discretioun as that thay can mak a richt choise, and will hardlie without consent of freindis cast thameselffis away, the fader, tutour, or guardiane having then some caus to distrust thame, and thairfoir to be the moir warye of thame; wheras in thair younger yearis his securitie as suspecting no suche mater gevis the better oportunitye to those who intend the abuse. And, since this is a generall thing whiche may tuiche mony of the kingdome, we leave it to your considerationis to provide remeidis for all suche abuseis of this natour. And so we bid you fairweele.—To oure richt trustie," *ut supra.*[1]

voyed away without consent of her parents or guardians.

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"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele:—Wheras we do intend, for the weele of that kingdome and suirtie of oure Estate, to augment oure navye by building of some schippis thair, and being loath that the wodis and tymber most fitt for that use sould be in the meantyme waisted, distroyed, or utherwayes sauld to foreynaris, of whome we can no way expect the returne of ony suche commoditye, we haif thairfoir for the use afoirsaid thoght meete to select and mak choice of the wodis within the sherefdomes of Perth, Tarbett, Invernes, and Caithnes, whiche for the use foirsaid we wald haif reserved, and for whiche we intend to gif all dew satisfactioun to the just awnaris that becometh;

Royston, 22nd January 1609. Letter from his Majesty to the Council, anent destroying of woods.

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[1] See Acts of Parl., iv. pp. 409, 410, 454.

and thairfoir our pleasour and will is that proclamatioun be maid in oure name straitelie inhibiting and dischargeing ony woodis within the boundis foirsaidis to be cutt doun or sauld to the use of ony persoun, except to oure awne subjectis and to be used within our dominionis, that so, by the seale of the same to strangearis and waist of oure woodis thairthrough, oure intentioun for building of a navye, so honnorable and proffitable for the Esteate, be not impedit. And, willing you to haif a speciall cair to see this speedilie executed, we bid you fairwele.—To oure richt trustye," &c., *ut supra*. Royal Letters, 1604–1612.

25th January 1609. Letter from the Estates to his Majesty.

"Most gratious and sacred Soverane:—This Conventioun of your Majesteis Esteatis, whiche your Heynes, oute of your most gratious and religious dispositioun towardis the advancement of the trew, antient, and apostolique faith presentlie professit in this kingdome, and for suppressing the adversaris thairof, did appoint to be holdin at this tyme, wes most solemnelie keepit be the nobilmen and uthiris selectit be your Majestie for that purpois, few or nane of the whole being absent. Unto whome those wyse, grave, and godlie overtouris and propositionis sent doun be your Majestie, als weele for kirk as policie, being at grite lenth proponned and oppynnit up, we can not conceale frome your Heynes the exceiding grite joy and glaidnes whiche that haill meeting apprehendit upoun the consideratioun of so lyvelie taikynis and argumentis of the tender cair and faderlie affectioun wherwith your Majestie doeth still affect thame. Wherin thay and we do acknowlege ourselffis infinitlie bundin to the goodnes of oure God, who in His grite mercy hes grantit unto us so gratious, religious, and confortable a King,—under whois blissit and happy governament we haif so grite peace in oure Kirk and so grite tranquillitie in oure privat estate that, althoght your Majestie be absent in persone, yitt the confortable effectis of your royall presence by your lyvelie and wholesome directionis doeth ever accompany us. For the whiche, with all dew reverence, in name of the haill Esteatis (who with mony protestatiouis offerrit thameselffis reddy with all thair pouer and freindship to hald hand to the furtherance and prosequutioun of all your Majesteis princelie directionis), we rander unto your Heynes most humble thankis. All those directionis and propositionis, both for kirk and policie, wer most unanimelie imbraceit and accordinglie inacted; onlie that anent the revissing, whiche your Majestie hes so gravelie and wyslie sett doun in severall brancheis and heidis, hes ressaved a delay till this approcheing Parliament, becaus the panes and punishment ansuering to the qualitie of those severall brancheis and headis could not, in respect of the shortnes of tyme, ressave a present determinatioun. Alwayes commissioun is gevin to certane for every estate to meete and reasoun upoun this mater and to reporte thair opinioun to the Parliament; wherin we think that the ordour so wyslie prescryved be your Majestie salbe the squair and reule of thair doingis. Off all that wes past and inacted at the tyme we haif send the copyis to Sir Alexander Hay, your Majesteis Secretarie, to be showne be him to your Majestie at your best oportunitie. And sua, praying God to preserve your Page 187. Page 188.

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Majestie and all your royall progenie in all happynes [and] felicitie, we rest your Majesties most humble and obedient subjectis and servitouris,—A., Cancellarius, Dunbar, Craufurde, Mar, Cassillis, Lynlythqu, Wigtoun, Kinghorne, Lotheane, Saltoun, Uchiltrie, Blantyr, Haliruidhous, R. Cokburne, J. Cokburne, Mr P. Rollok, Sir T. Hammiltoun."

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Edinburgh, [January 1609?].

Letter from the Council to his Majesty, reporting on the necessity and importance of repairing the harbour of Ayr and on the inability of the town itself to finish that work.

"Most gratious and sacred Soverane:—Having ressavit commandiment frome your sacred Majestie to tak tryale and cognitioun of the necessitie of the upholding of the harborie of your Majesties burgh of Air, the harme that may ensew by the decay thairof, the benefite that this Estate may ressave by the finisheing of that worke, and of the meanis and possibilitie of the burgh itselff to accomplishe the same, and to adverteis your Majestie particularlie thairof, with oure advise quhat is fittest thairin [*ante*, p. 546],—as with all dew reverence we acknowlege your Majesties most admirable cair and faderlie regaird towardis the preservatioun and upholding of everie waik and distressit member of this commounwele,—(wherof your sacred Majestie hes gevin so mony notable prooffis and lyvelie experienceis, to the inestimable conforte and rejoysing of all your Majesties goode subjectis, and to the reviving of some particulair memberis of this body, quhilkis, being at the point of utter ruyne and decay, and unable of thameselffis outher to restoir thair awne esteatis or to concur with the rest of the body in the publict affairis of the commounweele, bot as dead and rottin memberis being almost fallen frome the body, haif yitt bene, by your Majesteis princelie favour, bontye, and liberalitie, restoirit to thair formair strenth and beutye, and ar now, to your Majesteis immortall praise and commendatioun, in vigour and strenth to discharge thair awne dewyteis accordinglie),—so, for discharge of that commissioun concredited be your sacred Majestie unto us, we convenit and mett upoun that mater. And, after the most exact tryale and informatioun whiche we could haif thairin, we do find that this intendit worke of the reparatioun of the said harborie is most necessar and expedyent for the honnour, credite, and benefeit of the whole cuntrey,—the place itselff being the onlie sey poirt upoun that haill coist quhair the ressett and dispatche of goodis is most ordinair and frequent, and whair the trade of navigatioun is alwayes in practize; and, for nomber of goode schippis and skilfull and able marinaris, it is the best in this your Majesteis kingdome, Leyth and Dundee onlie except. And, besydis the commodiousnes of the place, the nomber of schipping and marynaris, and the frequent importatioun and

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exportatioun of commoditeis at poirt, it lyis oppin to Yrland, within tuelf houris sailling to the north pairtis thairof, whair the seid of all the rebellioun of that kingdome tooke roote: unto the whilkis pairtis your Majestie at every occasioun may haif the commoditie of transportatioun whatevir your Majestie thinkis goode. And, yf this intendit worke be not finished, thair wilbe no commodious nor saulff ressett for shipping thair, and in short tyme the haill shipping of that towne, which wald serve for a bulwark to that hoill coist in caise of foreyne troubles, will decay, and

consequentlie the towne,—whiche is so ancient, and for civilitie, beutye, buildingis, and goode governament, may be rekonned amangis the best and worthyest of this kingdome,—will come to noght; wherby the haill trade of the west cuntrey, whiche wes intertenyed be the shipping of Air, will ceis, to the impoverisheing of that nuke of your Majesteis kingdome: wheras, yf this worke be haldin hand to and perfytit, that towne will floorishe in shipping, trafficque, policie, and strenth, and your Majestie may rest assuired at everie intervening occasioun of your Majesteis service to be furnist with a nomber of goode shippis and able fellowis frome that porte. And, tuicheing the possibillitie of the towne to finishe the worke, we find no kynd of likliehoode nor appeirance that be thame the worke can be finisheit,—the samin having alreddy coist thame be oulklie collectioun and contributioun of the inhabitantis abone xii^{m} merkis, whiche is so grevous unto thame that, in respect of the grite lossis thay sustenit the tyme of Gods lait visitatioun of that burgh with the pest, thay ar not able langer to undirgo that burdyne,—thair commoun goode not exceiding j^{m} lib. Scottis be yeir; whiche is not sufficient to upholde thair churche, bridge, hospitall, and utheris the commoun werkis of thair towne. This is all that we haif leirned and foundin in this mater; wherin we dar not presome to gif unto your sacred Majestie ony advise, seing your awne solide judgement and your perfyte and reddy resolutioun in everie thing presented unto your Majesteis consideratioun makis us to acknowlege oure awne waiknes and to remitt the deliberatioun upoun this mater to your Majesteis selff. And sua, praying God to preserve your sacred Majestie, with all your royall progenye, in perfyte happynes and felicitie, we rest, &c.,—A., Cancellarius, Blantyre, Jo. Prestoun, James Hay, Sir Thomas Hammiltoun, Clericus Registri." Royal Letters 1604–1612.

Edinburgh, 3rd February 1609. Letter from the Council to the Earl of Moray, for the apprehension of Dougal Grahame, guilty of abduction.

"After oure verie hairtlie commendationis to your goode Lordship:— Thair hes bene informatioun laitlie maid to his Majesties Counsell of a most odious and detestable insolence committit within the boundis of your Lordshipis office be Dougall Grahame, apparent of Rednik, who being weele intertenyed in Coline Campbellis house, he, without feir of God, reverence of the law, or regaird of honnestie, violentlie revissed and tooke away the said Coline's doghter, and hurte and woundit his ageit wyffe, to the hasard and perrell of hir lyffe. Whiche fact, as it is odious in the sight of God, so (no doubt) the same wilbe most offensive to oure sacred Soverayne; who, of his awne religious dispositioun to pietie and justice, doeth abhor and detest suche vyld and extraordinarie attemptis. And thairfoir, as your Lordship hes weele begun to utter your goode affectioun to his Majesteis service and to approve yourselff worthy of that place whiche you hald of his Majestie by the releving of the gentilwoman and delyverie of hir to hir moder, so we assuir your Lordship that the apprehensioun and exhibitioun of the said Dougall wald be most acceptable and thankfull service to his Majestie. For the whiche purpois we will hairtelie intreate and requeist your good Lordship to use all meanis Page 190.

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possible to gett this Dougall in your handis, and to exhibite him heir befoir the Counsell, that ordour may be tane with him as effeiris. In doing quhairof, as we will haif occasioun to recommend your Lordshipis service to his Majestie, so we doubt not bot his Heynes will remember thairof accordinglie. Aud sua, recommending this mater to your cair and diligence, we committ your Lordship to God.—*Sic subscribitur:* A., Cancellarius, Dunbar.—To oure very honnorable good Lord, the Erll of Murray, steuart of Menteith."

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"Richt traist freind, efter oure hairtlie commendationis:—Wheras the Erll of Athoill, be his awne folie, first in breking of warde and nixt in refuseing to gif his obedyence to his Majesteis Counsell, is ordanit to be denunceit rebell and putt to the horne, and thairupoun, besydis mony utheris goode considerationis, the commissioun of justiciarie whiche [he] had within the boundis of Athoill dischargeit, and he fundin unmeete to be armed with his Heynes pouer and authoritie over otheris who can not governe himselff, it becometh us who ar of his Majesteis Counsell to haif a speciall cair and regaird that in this meantyme, quhill we know forder of his Majesteis pleasour, that the peace of the country be provydit for, and that his Heynes goode subjectis be secuired frome the malice and injurie of malefactouris. And, having hard of your dewtifull cariage and behaviour at suche tyme as a parte of the burdyne of that cuntrey did ly upoun you, and knowing your goode affectioun and willing dispositioun to do his Majesteis service, we haif thoght meete by thir presentis of new to lay that same burdyne upoun you, requeisting you effectuuslie to undirtak the same, and sua to behave yourselff thairin as by all possible meanis you may gif unto his Majestie satisfactioun; whiche his Heynes will not onlie accept as thankfull and acceptable service, bot wilbe myndfull thairof accordinglie. Sua we committ you to God.—*Sic subscribitur:* Your very goode freindis,—Al., Cancellarius, Mar, Haliruidhous, R. Cokburne, Jo. Prestoun.—Thir letters directit to Sir James Steuart of Balleachane, Johnne Steuarte of Graniche, and Robert Steuart of Ardbrek."

Edinburgh, 11th February 1609. Letter from the Council to Sir James Stewart and others, anent the keeping of the country of Atholl.

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"Most gratious and sacred Soverane:—We haif ressavit, to oure exceding grite conforte, that decrete and sentence gevin in favouris of the Lord Colvillis oy in the questioun and subject of *Post-nati* agitat thair befoir the reverend and learned judgeis of that land. Quhairin, with all dew reverence and most humble thankis, we acknowlege ourselffis infinitelie bundin to your sacred Majestie for that gratious, respective, and confortable considerationn and rememberance whiche your Majestie hes of us, and of everie thing whiche may importe the honnour, credite, and publict goode of this your Majesteis antient kingdome. Quhairof as we haif daylie innumerable prooffis and most lyvelie experienceis, so that sentence, whiche no doubt hes had the concurrence of your Majesteis most rair and excellent judgement, is moir then sufficient to assuir us with quhat tender cair and faderlie affectioun your Majestie doeth affect us.

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[Edinburgh, Feb. 1609?] Letter from the Council to his Majesty, anent the decree of the English judges in favour of the Scottish *Post-nati*.

We haif delyverit that decrete and sentence to the Clerk of Register to be putt be him in your Heynes register,—thair to remane as a recorde and memorie to the posteriteis of your Majesties benignitie and unspeakable affectioun borne to this Estate. And so, most humelie praying God still to preserve and manteyne your Majestie and your royall progenie in all happynes and felicitye, we rest for ever your Majesties most humble and obedyent subjectis and servitouris,—A., Cancellarius, Craufurde, Mar, Lotheane, Uchiltrie, Haliruidhous, P. Rollok."[1] Royal Letters, 1604–1612.

Royston, 12th February 1609. Letter from his Majesty to the Council, concerning John Buchanan, who petitions for his relief furth of his confinement.

"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele:—We ressaved your letter concerning the petitioun preferrit unto you by Johnne Buquhannane for his releif furth of the boundis of his confyneing, in regaird that he is innocent, as he pretendis, of that fact whiche procured his wyffis convictioun and confyneing. Wherin we can not bot mervell that you sould in your letter write so doubtfullie of that mater, since quhatever proces hes bene had ather aganis him or hir hes bene deduceit thair: so as you can not be ignorant how far the husband hes bene found guiltie, or what likliehoode or probabilitie thair is upoun his forder tryale and examinatioun that he may be found culpable or ony way accessorie to his wyffis offenssis. Bot nather mater nor personis ar so regairdit by us as we mak accompt or ony way ar curious to inquire what is done thairin, yf so the reulis of justice or equitie, whiche must be Page 192.

[1] The reference in this letter is to the recent decision of the English judges in a case very famous in the English law-courts throughout 1608 by the name of *Calvin's Case*, though *Colville's Case* would have been the more proper term. The circumstances are these:—It had been chiefly on the subject of the Naturalization of Scots in England that the great Union treaty on which the King had set his heart had broken down in the English Parliament of 1607. (*See* vol. vii., Introd., pp. xxix.-xliii.) That subject, however, divided itself into two distinct portions or forms: viz. (1) the question of the naturalization of the *ante-nati*, or Scots born before the accession of James to the English throne, (2) the question of the naturalization of the *post-nati*, or Scots born, or to be born, after that event. As the first question concerned only the living generation of Scots born before 1603, and would die out with them, it was far less important than the second. It was also far more difficult; for the all but unanimous opinion of English lawyers, given during the Naturalization Debate in Parliament, had been that, while the naturalization of the *ante-nati* might require Parliamentary enactment, the *post-nati* were already naturalized *ipso jure* or by common law. A Declaratory Act to this effect was what King James had expected from the Parliament; but, having failed in that expectation, he had resolved to gain his point by a judicial decision. For this purpose a grant of some property in Shoreditch, London, which had been forfeited by attainder, was made, in October 1607, to Robert Colville, a Scottish child of three years old; and, it having been arranged that his right to hold the property should be contested on the ground that he was an alien, the question went into the law-courts. After passing through a variety of phases, it came up for final decision in 1608, before Lord Chancellor Ellesmere and all the other judges of England, assembled in the Exchequer Chamber. For the great speech of Solicitor-General Sir Francis Bacon on this occasion, in support of that view of the rights of the Scottish *post-nati* which he had already advocated so strenuously in the Parliament, see vol. vii. of Bacon's Works, as edited by Spedding and others (pp. 639–679); and, for farther explanations of the case, see vol. iv. of Spedding's *Letters and Life of Bacon*, pp. 14–16. The result was that thirteen of the judges agreed in a judgment in favour of the child Colville, while only two dissented. So high was the king's satisfaction that he had sent his Scottish Privy Council, apparently some time after the event, a copy of the important judgment for preservation and registration.

Royal Letters, 1604–1612.

patent to all oure subjectis, be kept and observed in the procedour aganis thame. Thairfoir you ar to certifie unto us the whole estate of the bipast proceding bothe aganis him and his wyffe, and what probabilitie thair is upoun his forder examinatioun and tryale to discover his guiltynes, and what you wald do in ony the lyke cais upoun a petitioun of the same natour to be exhibited be ony who wer in that same conditioun as Johnne Buchannane is now. For bothe far distance of place and multitude of materis of griter moment sufferis us not to examine the particularis of every suche occurring triffle; nather is the place you do posses thair to ony other end bot to direct all suche thingis quhairof you haif warrant, and wheras you sall find ony scruple to acquent us boith with the caice
Page 193. and your advise heirin. And thairfoir, willing you to amend this errour heirefter, we bid you fairweele."

Page 205. "Richt trustie and weilbelovit cosines and counsellouris, we greete you weele:—Wheras thair hes bene sute maid unto us by some of oure servandis heir attending Courte for a grant of the making of washeing sope for cloathis, and of blew azure wherwith the stuffing is mingled, within that oure kingdome, in that quantitie as bothe it will serve the cuntrey and afforde some thairof to be transported elswhere,—the whilkis commoditeis having beene imported heirtofoir frome foreyne pairtis did cary a grite deale of treasour furth of the realme for the same; and as all undirtakaris of suche beneficiall workeis for the commounweele haif some yearis granted by speciall gift of that worke intendit; and we having alreddy resolved upoun the persone to whome we will dispose it: so now we desire onlie to be certifyed by you quhidder this mater undirtane will in ony sorte be hurtfull to that Estate; whiche we prefer befoir ony private manis sute. And, willing you to returne unto us speedilie your answer and advise heiranent, we bid you fairweele.—To oure richt trustie and weilbelovit cosines and counsellouris, the Erll of Dunfermling, our Chancellour, and remanent Lordis and utheris of oure Prevey Counsell of that oure kingdome of Scotland."

Royston, 19th February 1609. Letter from his Majesty to the Council, anent the making of soap.

Page 193. "Most sacred Soverane:—The errour committit be us in oure formair letter to your Majestie concerning the petitionis of Johnne Buchannane presented unto us for his libertie frome his confyneing (quhairof we most humelie crave your Majesties pardoun) procedit of oure opinioun that the haill circumstanceis of Hairtsydis proces, being so publictlie deduceit, had bene notour to your Majestie, alswele be the reporte of mony resoirting to Courte who wer ey-witnessis to the proceding, as be the convictioun and dome pronunceit aganis his wyffe,—quhairof we thocht the extract had come to your Majesties handis. Bot now, understanding that our mistaking of that mater maid us to relait Johnne Buchannanis parte of that caice more breiflie and obscurelie nor become us, these ar most humelie and treulie to informe your Majestie that in the haill tryale of that unhappy womanis undeutifull offence, sho being mony tymes deeplie sworne and

Edinburgh, 23rd February 1609. Answer by the Council to the letter of his Majesty anent John Buchanan.

most exactlie examined be these who had that charge frome your Majestie, Royal Letters, 1604–1612.
sho did evir deny by hir grite oath that hir husband had ony knowlege of hir embessilling hir Majesteis jewellis or of the money whiche sho purchessit be the selling thairof: whilk the said Buchannane did lykewayes upoun his solemne oath constantlie deny in all his examinationis. Whairupoun, the fact being secrete and obscurelie done be that woman, who be hir place and credite, quhairof sho hes provin so unworthy, had ouer goode meanes so to substract hir Majesties jewellis as no man could be able to beir witnes aganis hir, far les aganis hir husband, who be bothe thair depositionis wes evir sworne to be innocent of that offence, your Majesties Advocat, wanting probatioun aganis Buchannane, absteaned frome his persute, feiring that yf he had accused him he sould, for laik of verificatioun of his guiltynes, haif gone quyte. And, nevirtheles, becaus it wes thoght that the conjunctioun betuix man and wyffe, cohabiting togidder, is suche as thair is vehement caus of presumptioun that the husband sould haif knowlege of the most secreit attemptis committit be his wyffe, whenas your Majestie, moved as appeiris with that just suspitioun, did ordane that Buchannane sould be confynned with his wyffe, we did, according to oure dewiteis, reverence and caus execute your Majesteis will aganis thame bothe, and, being sensyne urgid by Johnne Buchannanis supplicatioun to grant him libertie, wald noway presome to do it, becaus his restreant procedit not of ony ordinance of ours, bot frome your Majesties commandiment, wherwith we wald noway dispence without your Majesteis expres Page 194.
warrand. And, we undirstanding that your Majesteis pleasour is to know be oure letter quhat the ordinair course of justice requiris in his caice, as we ar forced of dewytie to professe that the law and custome of the kingdome dois allow him his libertie, seing he is not convict of ony cryme, so think we that mony circomestanceis of the mater cravis that his libertie be not absolute, bot onlie extendit to fredome to do his lauchfull affairis in Edinburgh and in the cuntrey benorth Edinburgh, without ony permissioun to him to repair southwart, least he micht thairby haif occasioun to deale with sik personis remaining thair as knowis more of the abstracting and selling of hir Majesties jewellis, and perhappis of his awne participatioun thairof, nor is yitt come to licht, to suppres thair knowlege thairof: whiche we think so fitt to be prevented that we wald wishe, yf so it please your Majestie, to haif him to be ordanit to find cautioun under ane competent pane not onlie that he sall compeir to undirly the law for the said cryme whenevir he salbe chargeit upoun fyftene dayis wairning, bot also that he sall not repair ony forder south nor Edinburgh under the lyke pane. Wherin humelie submitting our waik opinioun to your Majesties most excellent judgement, we beseik God to blisse your sacred Majestie with all happynes and felicitie.—*Sic subscribitur:* . . Al., Cancellarius, Craufurde, Glencairne, Glasgu.

Edinburgh, 23rd February 1609. "Pleas your excellent Majestie:—The importune sute and petitionis maid Page 194.
unto us be Johnne Buchannane, husband to that unhappie wretche who

oyal Letters, 504-1612.

hes showne hirselff so unworthy of your Majesties grite favour and truste reposed in hir, for releif frome his confyneing, did force us to signifie his desire to his Majestie, becaus, he being restreaned be his Majesties directioun and commandiment, his release wes not in oure pouer. Quhairupoun his Majestie being pleased to command us to signifie be oure letter quhat the course of justice and law of the cuntrey dois provyde in that caice, as we haif thairin humblie obeyit his Majestie, so haif we, for the infinite dewyteis quhairby our hairtis ar most humelie and faithfullie devoited to your Majestie (als wele for the most gratious and constant affectioun expressit be your Majestie at all occasionis to this oure native cuntrey as for your Majesties mony particulair favouris to oure selffis), tane the bauldnes in most submissive maner to requeist your Heynes to interceid with his Majestie for some release of Buquhannanis confyneing,—not for ony merite of his owne, for we acknowledge his wyffis damnable ingratitude and haynous offence to be suche that not onlie it excludis all intercessioun and hoip of pardoun for hirselff, bot levis suche ground of suspitioun aganis the husband that, althoght nothing be tryed of his participatioun of that cryme, yitt it is fitt that all occasioun be tane frome him to use meanis to suppresse suche licht as tyme may bring furth in that mater. Wheranent we haif offerrit our humble advise to his Majestie; bot, becaus the people thinkis that Buquhannane, not being tryed guiltie nor fugitive, meritis that libertie whiche the commoun course of justice generallie allowis to all the borne subjectis of the cuntrey, we wald most humelie beseeke your Heynes to deale with his Majestie to grant libertie to Buchannane to come to Edinburgh for his lauchfull affairis, upoun conditioun and suirtie that he go no forder south,—to the effect the world may see that your Majestie, who in all preceding occasionis hes kytheit ane paterne of all princelie clemencie, will in this caus, quhairin your Majesties interest is knowne, not onlie allow bot procure at his Majesties handis that the commoun benefeit of the law may be granted to Buquhannane: quhairby that love so universallie borne be your Majestie to all the faithfull subjectis of all esteatis in this kingdome may be confermed by the increseeing experienceis of your Majesties naturall, princelie, and most religious inclinatioun to mercy and justice. Quhairin being assured that your Majesties royall mynd will leade your Majestie forder nor oure waik persuasionis can reache, most humelie craving your Majesties pardoun for this oure presumptioun, proceding of most faithfull and deutifull affectioun to your Majesties honnour, we beseeke God to blisse your Majestie with all eirthlie happynes and eternall felicitie.—*Sic subscribitur:* your excellent Majesties most humble and obedient servitouris,—A., Cancellarius, Craufurd, Glencairne, Glasgu."

Letter from the Council to the Queen, asking her intercession with his Majesty in favour of John Buchanan.

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195.

"After oure verie hairtlie commendationis to your goode Lordship:—The pryde and insolence of a grite mony of notable malefactouris within that shyre, who ar denunceit rebellis and fugitives for slaughteris, revissingis, and utheris vyld and detestable enormiteis committit be thame, having

Edinburgh, 28th February 1609.

Letter from the Council to Lord Forbes, fore-

warning him against granting his protection to malefactors on whom a commission of justiciary is granted to the Earl of Enzie.

come to the Kingis Majesties earis, and gevin very just caus of offence and miscontentment to his Heynes, that in so peaceable a tyme of his Majesties governament suche comnivence and oversycht sould haif bene grantit to suche ane handfull of insolent and laules lymmaris, to the reprotche and scandall of the natioun, thairfoir, of his Majesties expres directioun and warrand come this day by pacquett, thair is a commissioun past and exped to the Erll of Enyee for the persute and apprehensioun of thir lymmaris and exhibitioun of thame befoir his Majesties Counsell. And his Majestie, oute of his most rair and excellent wisdome, wyislie foirseeing that be all likliehoode some of thir personis, who now in the raige of thair pryde and insolence misknowis your Lordship, sall, upoun notice gevin to thame of this commissioun, clayme to your Lordshipis protectioun and mantenance, as being of your Lordshipis name or dependence, and swa do quhat in thame lyis to involve your Lordship in thair foolishe courseis, that under cullour of your patrocinye thay may impetrat impunitie to thameselffis and leave your Lordship to count with his Majestie for thame, his Heynes, for preventing of the trouble and inconvenient whiche may befall your Lordship by this occasioun, and in manifestatioun of that most gratious regaird whiche he hes of your Lordshipis weele, hes commandit us to foirwarne your Lordship in his Heynes name to bewar of thir personis, and that you will not onlie refuse thame all protectioun, conforte, supplee, and mantenance, bot that your Lordship wilbe reddy with your freindschip to assist and hald hand to the executioun of this his Majesties commissioun at suche tyme as your Lordship salbe desirit or requirit to that effect. Wherby as you sall testifie your goode affectioun and dispositioun to his Majesties service and to the suppressing of suche insolent enormiteis, so your Lordship will conferme that goode opinioun and consait whiche his Majestie hes ever had of the sinceritie and integritie of your Lordshipis hairt; wheras, by the contrair, yf your Lordship sall in ony wayes countenance thir personis (whiche we looke not for), his Majestie will very hardlie degeist the same, and without doubt will crave very exact accompt thairof at your Lordshipis handis. Sua, recommending this mater to your grave and wyse consideratioun, as that whiche importis your Lordship very heichlie in your honnour and credite, we commit your Lordship to God.—*Sic subscribitur:* Your Lordshipis very loving freindis,—A., Cancellarius, Dunbar.—To oure very honnorable Lord, the Lord Forbes." Royal Letters, 1604–1612. Page 196.

Edinburgh, 1st March 1609. Letter from the Council to his Majesty, suggesting a short delay of the meeting of Parliament.

"Most gratious Soverane:—The terme appointit for this approcheing Parliament in the moneth of April nixt gifis some mater of greif to a grite many of your Majesteis subjectis, in respect that tyme is the onlie seasoun of the yeir for the oat seid, when your Majesties subjectis will necessarlie haif occasioun to attend thair busynes at home and to be upoun thair preparationis for suche of thair adois as ar to be outred at this Witsoun terme. As alswa thair is some of your Majesties awne propir affairis to be handlit at this Parliament, whilkis, in respect of the shortnes of tyme, Page 197.

Royal Letters, 1604-1612.

cannot be so formalie and exactlie done as the weyght and nature of the same requiris. And thairfoir (yf so it may please your sacred Majestie) it is thoght meete that the Parliament sall ressave some schort delay and continuatioun till the fyftene day of Junii nixt; whilk wilbe efter the Witsoun terme, and afoir the harvest, and the most fitt tyme of the yeare, when the Esteatis may attend with least hurte and prejudice to thair privat affairis; and agane that tyme all dew preparatioun salbe maid for the perfyte handilling of your Majesties affairis, whiche for the present cannot be weele done. But, in this as in all uther thingis submitting ourselffis to your Majesties princelie directioun and pleasour, whiche we will attend at your Majesties goode oportunitie and laser, we pray God to blisse your sacred Majestie and all your royall progenye with all happynes and felicitie. Your Majesties most humble and obedyent subjectis and servitouris,—Al., Cancellarius, Dunbar."

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Letter from the Council to the Master of Tullibardine, warning him against resetting or dealing with the rebellious Earl of Atholl.

"After oure verie hartlie commendationis to your goode Lordship:—We haif ressavit a letter and directioun from the Kingis Majestie concerneing the Erll of Athoill and his committing of new to wairde, as by the copie of that letter your Lordship may persave. You do know how far hes bene alredy proceidit aganis him, not onlie by denuncing of him to the horne, bot by publict prohibitioun gevin to all his Majesteis subjectis in no caise to resset, supplie, nor intercommoun with him. And, understanding that your Lordship hes some dealing with him whiche may draw you in sindrie

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inconvenientis and within the compas of the law for ressett and intercommoning with his Majesteis rebellis, we could do no les than foirwarne your Lordship of your harme and skaith, requesting your Lordship, as you respect his Majesteis contentment and your awne weele, to foirbeir all farder melling and dealing with him or showing unto him ony conforte, supplie, resset, or countenance: assuiring your Lordship, yf you sall try heirefter to haif ony dealing with him, or to resset, supplie, and intercommoun with him, that not onlie will you be maid to answer for him and to present and exhibite him to his Majesteis Counsell, bot the pane of the law dew to ressettaris, supplearis, and aydaris of his Majesteis rebellis wilbe prosequute and followit oute aganis you. And what farder constructioun his Majestie will mak upoun your dealing we remit to your awne consideratioun. Sua, recommending your Lordship to Godis protectioun, we rest your Lordshipis verie goode freindis.—*Sic subscribitur*:—Al., Cancellarius, Dumbar."

201.

Whitehall, 5th March 1609. Letter from his Majesty to the Council, authorizing the release of Mr John Murray, minister of Leith, from

"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele:—Wheras Mr Johnne Murray, lait minister of Leith, having most grevouslie offendit us and for that caus having bene committed in wairde within our castell of Edinburgh, hes now bene a goode space prisoner in the same, and, howevir in justice we micht haif procedit aganis him with greate rigour, yitt, upoun our love to his functioun and calling, and in hoip that his bypast chastisment sall procure him to be moir circumspect

Edinburgh Castle, but banishing him to Nithsdale.

in his cariage heirefter, we ar pleasit to mitigait the extremitie of law; and thairfoir our will and expres command is that you sall freethe him furth of our castell of Edinburgh, quhair he presentlie remaynis, chargeing him within tuentie dayis nixt efter his releif furth thairof that he repair to the towne of Newabbay within the cuntrey of Nithisdaill, and that he remane thair and [? within the space] of fyve myllis of the said towne, and noway transcend the boundis of his confyneing without our speciall licence and warrand had and obtenit thairto. We having gevin unto him libertie also to teache and preache at the said kirk of Newabbay, it is alwayes to be straitlie injoyned to the said Mr Johnne that, frome the tyme of his comeing furth of warde whill his entrie within the boundis of his confyneing, that he do not repair to the toun of Leyth, nather preiche nor mak sermone in ony place whatsoevir except within the precinct of his abone-writtin confyneing, and that he lykewayes do not resoirt to ony presbytrye, provinciall or generall assembley, without his Majesties speciall licence had thairto. And, willing you to be cairfull to see this our directioun spedilie executed and obeyit, we bid you fairweele.—To oure richt trustie and richt weilbelovit cosines and counsellouris, the Erll of Dunfermelyne, our Chancellour, and remanent Lordis and utheris of oure Prevey Counsaill of that oure kingdome of Scotland." Royal Letters, 1604–1612.

Whitehall, 5th March 1609. Letter from his Majesty to the Council, anent the warded Presbyterian ministers.

"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele:—Wheras we undirstand that mony ministeris who wer wardit or confynned, ather by immediat command frome our selff or upoun your warrant by our speciall directioun sent unto you, ar now at libertie and fred by you without your acquenting of us thairwith, we do muche mervell thairof, epeciallie in regaird that, how notour so evir thair offence be, yitt haif you nevir of your selffis at ony tyme committed ony of those delinquent ministeris: yea scairse eftir ressett of ane or two of oure severall directionis sent to you for that effect. Alwayes, to eschew this ouersicht and errour heirefter, it is oure pleasour and will and expres command that no persone, ather minister or other whatsoevir, who salbe confynned or wardit by oure directioun heirefter, or concerning whose retentioun we sall certifie you of oure pleasour, be in ony sorte enlarged or fred of thair warde, or oute of the boundis of thair confyneing, without first we be certifyed thairof and that you ressave our speciall directioun and warrand anent the same. And, hoiping you wilbe moir cairfull of your dewitie heirefter in this poynt, as you wald eshew our just reproiffe, we bid you fairweele.—To oure richt trustie," *ut supra.* Page 205. Page 206.

Whitehall, 5th March 1609. Letter from his Majesty to the Council, anent commission to be given to the Archbishop of Glasgow for an

"Richt trusty and weilbelovit cosines and counsellouris, we greete you weele:—Wheras the bipast barbaritie and incivilitie in that parte of the Middle Shyres whiche formarlie wer the Bordouris of that kingdome, the inhabitantis in most parte thairof being voyd of all trew feir of God and religioun, wes the caus that the churcheis of the same, for laik of reparatioun, went all to decay and ruyne almost; and since," &c.—[The rest of the Page 207.

Royal Letters, 1604-1612.

letter is incorporated almost *verbatim* in the Act of Council, passed in accordance with it on the 28th March, for a Commission to the Archbishop of Glasgow for an ecclesiastical visitation of Annandale: *ante*, p. 266.] ecclesiastical visitation of Annandale.

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"Richt trustie and weilbeloved cosines and counsellouris, we grete you weele:—Wheras we understand that most parte of the churcheis in Annanderdaill ar ruynous and decayed, bot specialie in thair rooffe and cover, for help whairof thair wilbe necessitye of a grite deale of tymmer Page 208. and treis,—whiche being scairse alreddy in these boundis, yitt do we understand that the small remains that is thairof is intendit to be cutt and transportit furth of that cuntrey; and, since we wald be sorie that materiallis sould want to suche a goode work as the reparatioun of churcheis, speciallie in regaird nothing is intendit to be tane frome the owner of the wodis without a sufficient and reasounable paye, thairfoir we wishe you to tak some course how the wode may be reteyned in that cuntrey, at least so muche thairof reserved to that use as salbe required, for the whiche dew pryce is alwayes to be payed as said is. And, willing you to haif a speciall cair to the effect these people, who haif bene so long without the benefeit of preicheing, may now by instructioun learne godlynes, amendment of lyffe, and civilitie, we bid you fairwele.—To oure right trustie," &c.—[See effect given to this letter in the Act of Council at p. 267.] Whitehall, 5th March 1609. Letter from his Majesty to the Council, anent the woods in Annandale.

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"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele:—Wheras Captaine Patrik Hering, upoun some informatioun maid to us of Mr Robert Oliphant his guiltynes of Gouryis divillishe conspiracye, did thairupoun procure frome oure Counsell heir a warrant for following, searcheing, and apprehending of the said Oliphant, who wes depairted frome hence towardis Dover, of mynd to pas to France, and, having found the persone of Oliphant and caused him to be apprehendit, who wes layed prisouner in the Gait House of Westminster, wher he hes lyne these nyne monethis past, he, cairles to justifie ony forder his accusatioun, and discovering his ayme in that busynes, did sease upoun the poore gentilmanis money and apparrell and presentlie depairtit frome hense; and after examinatioun we having tryed the said Mr Robert Oliphant his innocencye and thairupoun freething him oute of prisone, and now importuned by him for repairing of his losses ressaved at his taking by the said Captaine Hering reving him of his money and goodis: we haif thoght meete, in respect the said Captaine Hering makis his stay in that oure kingdome, to remitt the ordour-taking with the said Oliphantis complaint unto you, willing you that with all possible speede the body of the said Hering may be apprehendit and committit to sure custodye and keeping whill restitutioun be maid of that he intromettit with, that so the poore gentleman may be repayed of his losses, and also that by Heringis punishment others may be affrayed heirefter, under cullour or pretext of oure warranty, to committ ony suche abuse. And so we bid you fairweele.—To oure richt trustie," *ut supra*. Whitehall, 6th March 1609. Letter from his Majesty to the Council, anent Captain Patrick Hering and Mr Robert Oliphant.

Whitehall, 7th March 1609.

Letter from his Majesty to the Council, in the matter of the Earl of Atholl and the increase of broken men within his bounds.

"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele:—The disordourit estate of the boundis of Athoill, and the daylie increscc and grouth of brokin men and sornaris committing divers insolenceis and outrages bothe within that boundis and als in the nightbouring pairtis, moved us to committ the Erll of Athoill (whc be his place ought to haif remeidit the same) in warde within our castell of Edinburgh. Bot, finding his retening to procure small amendiment, in regaird of the unworthynes and contempt that wes had of the man, and being sory to see ony of oure nobilitie so far degenerat, and willing you to provyde for the suirtye of oure peace and quietnes in these boundis, we did thairupoun send for him hither to oure Courte. And, upoun his first repair, without ony motioun maid to him, he voluntarlie offerrit the sale of his erldome unto us; bot, in regaird of the grite sowmes and debtis wherin he wes engaged, and that most of the landis wer morgaged, and of other difficultyis and troublis arrysing in the bargane, we wer unwilling to deale thairin,—alwayes did tak his speciall band that he wes willing for pryce to dispoise the same unto us. And thairupoun we maid choise of the Lord of Blantyr as a fitt man to bargane for that bloke; unto whome we then committed the custodie of the said Erllis persone, having directit with the said Lord of Blantyr a warrand for committing of the said Erll to oure castell of Dunbartane, in caise he sould tak ony feir or distrust of the said Erllis eschaip frome him. Yitt he, relying forder upoun his honnestie then he had outher goode warrant or former prooffe of, and trusting too muche in him who hes kytheit unworthie of credite, did nevir use that our command for committing the said Erll to Dunbartane, bot did keepe and intertein him in goode sorte at his awne house; at whiche tyme certane conditionis wer sett doun and past in wryte betuix thame anent that bargane. Wherupoun, as we ar informed, the Lord Blantyr did deburse grite soumes of money, and componed for and payed grite debtis for him, and standis still ingaged for muche more to be payable heirefter; and, whilcas the Lord of Blantyr wes in least distruste of ony suche mater and expecting bot some fitt occasioun to end and perfyte his securityis, then did the said Erll mak a prevey eschaip, both wronging us thairby and intending by dissait to overthrow the just precedingis of the said Lord Blantyr with him, and to bring him for his kyndnes and goodwill offerred at oure command and directioun within compas of muche hasaird and inconvenience. We ar thairfoir heirby to will and desyre you to advise with oure Counsell of that kingdome upoun the best and reddiest meanis how the Lord Blantyris releiff for that wherunto he is ingaged in this busynes may be provydit for, [and] how that the Erll of Athoill, so unworthie of his place, may be restreaned frome disposing any of his estate in prejudice of that band maid unto us thairof, since conscience and reasoun wald require satisfactioun and recompense sould be maid to the Lord of Blantyr for the losses sustenit by him in undertaking this charge of the keeping of the said Erll, upoun a goode intentioun to haif setled the estate of that house, whiche bothe then wes and still is liklie to be

Royal Letters, 1604–1612. Page 210.

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Royal Letters, 1604–1612.

ruyned by this Erllis possessing of that place. And als it wald be advised how his persone, whiche wes presonner and releived by us upoun hoip to haif setled his affairis, may be of new committed to that same warde agane. Off performeing of the whiche we do expect at your handis all cair, diligence, and speede, as you will do us acceptable service. And so we bid you fairweele."

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Edinburgh, 26th March 1609.

Letter from the Council to his Majesty, anent the making of soap, and concerning the exemption of the house of Edzell from a commission of justiciary granted to the Earl of Crawford.

"Most gratious and sacred Soverane:—We ressaved your Majesteis letter concerneing the sute maid to your Hienes by one attending you at Courte for a grant of the making of wascheing sope for claithis and of blew azure wherwith the stuffing is mingled. By the whiche letter your Majestie wes pleasit to crave oure opinioun yf the mater undertane wilbe prejudiciall to the commounwele; whiche your Majestie hes evir preferrit to all privat menis sute. We haif avisit and conferrit at lenth upoun that mater, and we do find that the libertie and previlege of making of sope for some certane yearis is not onlie tollerable, meete, and expedient to be grantit, bot wilbe verie proffitable to the commounwele, seing that arte, not heirtofoir knawne in this kingdome, may thairby be brocht in practize within the same, and the grite deale of treasour whiche wes yeirlie caryed furth of the cuntrey for the importatioun of suche commoditeis may with proces of tyme be haldin within the same. Bot for the present to mak a restreant of the hamebringing and selling of sope, quhill this work be brocht to a perfectioun and that it be cleirlie sene and understand that the cuntrey may be weele furnist and servit within the selff, we think it wilbe hurtfull and prejudiciall to the commounweele. And thairfoir (saulffing your Majesties moir excellent opinioun and judgment, whairunto we alwise submit oureselffis) we think meete that the libertie and previlege salbe grantit for some certane yeiris, without ony restreant to bring hame and

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sell sope in the meantyme; and, yf the undirtaker of this work will mak goode soppe upoun compitent and reasounable prices, no doubt he will get a far griter dispatche of his wairis nor he wilbe able to get made.

Thair wes a petitioun presented unto us in name of the Laird of Edzell, complening that the Erll of Crawfurde, under the pretext and cullour of a commissioun grantit be your Majestie to some of his domestickis and servandis for persute of the criminallis for the Lord of Spyneis slaughter, intendit to persew and assedge his hous of Edzell, whairin his movabillis and evidentis ar, and his ludgeing within this burgh quhair he presentlie duellis, and sua under the pretens of law and of your Majesteis authoritie to execute his private revenge aganis him: and thairfoir he cravit that this commissioun and executioun thairof aganis him and his houssis micht be suspendit and dischairgit. We could not judge of the tennour and nature of this commissioun, becaus it wes nevir shawne nor presentit in Counsaill; and, as we ar informit, it is nouther registrat nor signetit; and we wald not presome to tak upoun us to discharge your Majesteis commissioun without your Hienes awne allowance. Alwise, becaus Edzell hes fund cautioun not to resset thir horneris in his saidis houssis under

the pane of ten thousand merkis, we haif suspendit the executioun of the said commissioun, aganis the saidis tua houssis allanerlie, unto the tent day of Aprile nixtocome, that in the meantyme we may know your Majesties will and pleasour thairanent, and in all utheris commissionis of the lyk nature not presentit nor shawne in Counsell. And sua, praying God to preserve your Majestie and all your royall progenie in helth and felicitie, we rest your Majesteis most humble and obedient subjectis and servitouris,—*Sic subscribitur:* Al., Cancellarius, Dunbar, Caithnes, Wintoun, Glasgow, Blantyre." Royal Letters, 1604-1612.

Edinburgh, 30th March 1609.

Letter from the Council to his Majesty in the matter of exportation of coals.

"Most gratious and sacred Soverane:—The lait restreant of transporting coillis furth of this your Majesties kingdome, whiche procedit frome your Heynes princelie directioun, groundit upoun the warrand and authoritie of ane statute of Parliament, having gevin occasioun to the awnaris and possessouris of the coilheuchis upoun the watter of Forth, being aboute sax or sevin in nomber, to present thair petitionis and supplicationis unto us, craving a mitigatioun and relaxatioun of the said restreant, —upoun just caus, as thay pretend, of thair awne particulair interesse and prejudice, besydis the appeirand hurte and inconvenient lyke to ensew to the commoun weele yf the said restreant salbe sufferrit to be of ony continewance,—as we haif foirborne to mell in that mater, whiche had the warrand of your Majesteis princelie authoritie and directioun, without your Heynes previtie and allowance, so we haif thoght meete to present unto your Majestie a breif relatioun of the caussis pretendit be thame, alswele for thair awne interesse as hurte of the commounweele, that efter consideratioun thairof your Majestie, oute of your singular wisdome and most perfyte and reddy resolutioun, may gif suche forder directioun thairintill as to your Majestie sall seame expedient. And, first, thay afferme constantlie, and we heir it by credible repoirt of utheris, that the watter coilheuchis hes bene wynne, and ar still intertenyed and upholdin, upoun very grite chargeis and expenssis,—some of thame having alreddy coist the awnair above fiftie thousand merkis, and the poorest of thame surmonting every oulk, in ordinarie chargeis for intertenying of thair watter ingynis, three hundreth merkis, and utheris of thame, as namelie Airth, Alloway, Carribdin, and Sawchie, fyve or sex hundreth merkis. Whilkis expenssis and chargeis the awnaris ar not able to beir oute bot by the commoditie and proffitt of thair coillis and selling of the same to strangearis: seing the haill dispatche that the cuntrey is able to mak will not defray the half of thair ordinarie oulklie wageis, and ony ane of thir sevin heuchis will do mair nor furneis the haill townis and pairtis of this kingdome whilkis ar accustomed to be furneist with sey coillis. And, yf thir heuchis be neglectit and ouersene bot three nichtis togidder, as certanelie thay wilbe yf this restreant be continewit, thay will pereishe and drowne, without all possibilitie to be recoverit and wone again;—wherby not onlie sall the awnaris, of whome some hes alreddy engageit thair estate upoun the winning of thir coill heuchis, be Page 199. Page 200.

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undone and wrackit, bot the cuntrey wilbe spoylled of the benefeit of the saidis coillis and of the greate deale of treasour whiche by the exportatioun of the same is yeirlie broght within the cuntrey, and all men wilbe skarrit fra undirtaking ony suche worke of winning of watter coilheuchis heirefter. Upoun the whilkis ressonis thay pretend a far griter inconvenient to the commounweele nor yf a toleratioun and libertie of exportatioun wer allowit. And, besydis this, thay alledge that thay had presentlie suche a hudge stoir of coillis upoun thair hillis as wer not able to be dispatcheit be the cuntrey,—whiche we tryit to be of treuth by the repoirt of two commissionairis directit by us to considder the estate of the saidis heuchis; who affermed that some of thame had above x^{m} merkis worth of coillis upoun thair hillis. Thir ar the ressonis pretendit be thame in this mater; wherin thay offer for the ease of the subjectis that no strangear salbe ansuerit so lang as thair is a cuntreyman to serve. Whiche reasonis we have thoght meete to present to your Majesties considerationn, to the effect your Majestie, oute of your excellent judgement, may gif ordour heirin as apperteyneth. And sua, praying God to preserve your Majestie in all happynes and felicitie, we rest, etc.—*Sic subscribitur:* A., Cancellarius, Dunbar, Caithnes, Abircorne, Glasgow, Blantyr, Haliruidhous, J. Cokburne."

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"Traist freind, efter oure hairtlie commendationis:—We haif hard of ane very grite and unexcusable ouersight and errour committit be you, in taking of those prisonaris quho ar committit to strait warde in that castell to the toun of Dunbartane with you and thair feasting and making mirrie with thame. As we can hardlie beleve that you wald ouersie your dewitie so far to the Kingis Majestie, your maister, who of his gratious dispositioun pardonit ane errour and oversight of this natur committit be you of befoir, and who will hardlie degeist this new oversight (yf ony hes bene), it being a presumptioun intollerable in the persone of ane of his Majesties officeris to transcend the boundis of thair dewytie in so heich a poynt, so we will advise, in regaird of that dewitie whiche your place and charge requiris, to looke moir narrowlie and dewtifullie to your credite heirefter, and to forbeir suche foolishe doingis as may parrell your estate and bring farder inconvenientis upoun you. And swa, recommending this to your considerationn as that whiche tuicheis you in your credite and dewytie, we committ you to God. Your very goode freindis,—Al., Cancellarius, Dunbar, Glasgow.—To oure traist freind Sir Williame Steuart, Capitane of Dunbartane."

Edinburgh, 31st March 1609. Letter from the Council to the Captain of Dumbarton, admonishing him for "unexcusable oversight."

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"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele:—We haif bene certifyed of your panes taikin in the removing of that feid betuix the Cunynghames and Montgomeryis, and of the reconsiliatioun maid betuix all of that name being of ony worth and qualitye; and, since this is the last that remanit in that whole kingdome of ony

Whitehall, 31st March 1609. Letter from his Majesty to the Council, as to the feud be-

tween the Montgomerys and the Cunninghames.

consequence, we ar most glaid that it is takin up by the roote, and do yeald unto you oure most hairty thankis thairfoir, acknowledgeing the same for very speciall and acceptable service done unto us. And so we bid you fairweele.—To oure richt trustie," &c. See *ante*, p. 262. Royal Letters, 1604–1612.

Whitehall, 31st March 1609. Letter from his Majesty to the Council, anent the Lairds of Auchindrane, accused of the murder of Kennedy of Culzean.

"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele:—Wheras thair is too manifest presumptioun and unfallible liklie-hoodis of the Laird of Auchindrayne, eldair and younger, thair guiltynes of the foull and vylde murthour of umquhill Sir Thomas Kennedy of Cullene, knycht, and since we wald be sorye that the too muche haisted and precipitat tryall of that murthour sould procure the cleiring of thame whome without doubt tyme will discover to be foull of that fact,—thair being one Bannatyne and another Cunynghame bothe of thame absentit by the saidis Lairdis and by thair freindis, whiche two, being compliceis in that cryme, wald very easilie cleir that mater and declair bothe thair awne and the utheris guiltynes,—it is thairfoir oure expres will and pleasour that Auchindrayne, eldar and younger, be bothe of thame kept in strait prisone, and noway putt to the tryale of ane assyse untill suche tyme as by the apprehensioun of the other two the whole treuth of that mater may be discovered, that so in the meanwhyle the guiltie for laik of dew obedyence sould not eschaip unpunissed, and thairthrouch the land unpurged of that bloode committed. And so bidis you fairweile.—To oure richt trustie," &c. Page 208.

Whitehall, 31st March 1609. Letter from his Majesty to the Council, concerning the Earl of Orkney.

"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele:—The Erll of Orknay having directit a servand heir for excuseing his lait absence and not compeirance befoir you of oure Counsell to haif ansuerit upoun those complaintis maid aganis him whiche occasioned that our proclamatioun to be direct, pretending his ignorance and unacquenting with the charge in deu tyme for ane excuse thairof, we haif by this same beirar, since his depairtour frome his maister, bene certifyed of a very insolent outrage done by the Erll of Caithnes upoun him and some otheris of the said Erll of Orknay his servantis who did accompany the other to bring him on land upoun the boundis of Caithnes, the contempt of us and oure authoritie having kythed so far as (yf the reporte be trew) we must think that heirby he dois scorne to be a subject, in darring presome ony way to interrupt upoun his privat quarrellis the benefeit of oure publict passage. For whiche caus we ar to desyre you to tak some present course for chargeing the said Erll befoir you, and to try quhidder ony suche insolence aganis the Erll of Orknayis men arryving in his cuntrey hes bene committit or no. And, as you sall find him guiltye or onyway accessorie thairto, oure expres will and command is that you committ him to warde in some of our castellis, thair to be kept untill suche tyme as we be thairof certifyed, and thairupoun do returne oure forder pleasour: willing you heirin to tak that exact course in the trying and punisheing thairof as a thing wherin we hold oureselff so far interest as Page 209.

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we can mak no better constructioun thairof then, with depryving us of oure soveraintie over him, he wald assume unto himselff and use that tyrranie that is detestable and hes bene disallowed by verie ethnikis. And, becaus this abuse offerrit to the servandis gevis some likliehoode of excuse to the Erll of Orknay, thair master, so as he dare skairs travell saulflie through these boundis, and so wilbe enforced to come by sea, we ar to desyre you to appoint ony suche speciall day as you think he may convenientlie keepe, and upoun his appeirance to tak presentlie tryale of these complayntis maid aganis him, and ather to caus him mak satisfactioun for the same, so far as by reasoun, equitie, and law he is bound to do, or then to committ his persone to warde untill suche tyme as we be certifyed, and the complaintis takin ordour with. And, wisheing this mater wer so managed with that speede and expeditioun as we micht be no forder importuned with the outcryes and complayntis of these whome he hes wronged, we bid you fairweele."

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3rd April 1609. Letter from the Council to his Majesty, sending him the depositions in the case of the slaughter of Gilbert Wauchop by William Nisbet.

"Most sacred Soverayne:—Haveing ressavit commandiment frome your Majestie to try and examine the forme and maner of the slaughter of umquhile Gilbert Wauchop, allegit committit be William Nisbett in the monethe of August last, and to certifie your Majestie particularlie of the same, to the effect your Heines may outher in justice gif ordour for his punishment, or upoun report of innocencie direct some uther course for his indempnitie, we, according to our humble and faithfull dewytie to obey your Majestie in all thingis, haif examined suche personis as wer present upoun the ground and ey-witnessis to that combat; whose depositionis we have heirwith send unto your Majestie,—quhairthrou your Majestie, oute of your excellent judgement and perfyte resolutioun, may gif suche directioun thairin as to your Majestie sall seame expedient. And sua, praying God to preserve your Majestie in perfyte helth and contentment, we rest your Majesties most humble and obedient subjectis and servitouris,—J. Cokburne, Sir Johne Skene, Johne Prestoun, Sir Williame Harte."

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Edinburgh, 4th April 1609. Letter from the Council to his Majesty, in the matter of a signature passed in favour of Sir Francis Wauchop of Niddry.

"Most gratious Soverayne:—That letter and signatour, past your Majesteis hand in favour of Sir Francis Wauchop of Nudrie Marschall, wes presentit and red in audience of your Majesties Counsell, being convenit in frequent nomber this fourt of Aprile. Wherin althoght with all dew reverence we acknowlege your Majesties gratious favour shawne to the gentilman, proceiding from your Hienes naturall inclinatioun and dispositioun rather to pitie than to punishe the errouris and oversightis of your Majesteis subjectis,

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yit, becaus the trust and credite whiche it pleasit your sacred Majestie to commit to us of your Hienes affairis bindis us in conscience and upoun the dewtie of oure officeis to be answerable to your Majestie for the formalitie and ordour of proceiding in suche materis as ar presentit to the Counsell Table, we can do no les than show unto your Hienes oure simple and waik opinionis concerning the signatour, whiche in the tennour

as it is consavit can haif no warrand of law, custome, nor observatioun in this kingdome. For, first, it contenis the annulling, abolishing, and obliterating of all Actis of Parliament past in the foirfeytour of this gentleman: farder, the restitutioun and reponing of him, his memorie and posteritie *in integrum*, aganis the sentence and processis of foirfeytour led aganis thame; the retreitting, rescinding, and annulling of all infeftmentis, giftis, and dispositionis maid be your sacred Majestie of whatsomevir landis, rowmes, and possessionis pertineing of auld to the leving of Nudrie; the rehabiliting and redintegrating of thame in thair honnouris, digniteis, richtis of successioun, and possessionis, with a expres directioun that letters of repossessioun, upoun a summar charge of ten dayis, salbe direct, without tryale, cognitioun, or heiring of partyis haveand intresse; besydis mony utheris large and ample headis and articles at grite lenth specifeit in the said signatour. Quhilkis haill articles and every ane of thame being of that nature and qualitie that thay require the consent and authoritie of the Soverane and heich courte of Parliament, and some of thame be the ordinar course of law and justice requiring a lauchfull and ordinar forme of procedour and proces upoun citatioun and heiring of partyis,—so we haif foirborne to mell thairin or to assume unto ourselff that authoritie and previlege whiche the libertie of oure place doeth not gif us, and haif reservit that mater to be done in the awne place and judgment; not of purpois nor intentioun to bring in questioun your Majesties favour and mercie (whiche with all dew regaird we do reverence and acknowlege as becometh us), bot only for keeping of that ordour and formalitie whiche your sacred Majestie allowis to be observed in all materis, and for escheving of unnecessar proces, contentioun, and pley, whiche suche unformall letters doeth ordinarlie produce. Bot in this, as in all uther thingis, submitting ourselffis to your Majesties moir excellent judgment, and humelie craving your Majesties pardoun for this oure presumptioun, we pray God to blisse your Majestie and your royall progenie with all happines and contentment. Your sacred Majesteis most humble and obedient subjectis and servitouris,—*Sic subscribitur:* Al., Cancellarius, Dunbar, Wigtoun, Kinghorne, Glasgow, Uchiltrie, Blantyre, Halyrudhous." Royal Letters, 1604-1612. Page 204.

Edinburgh, 4th April 1609. Letter from the Council to Viscount Fenton, as to his servant, James Clapen, attending him at court.

"After oure verie hartlie commendationis to your goode Lordship:—Thair wes one petitioun preferrit unto us in name of Archibald Prymrois, schowing that James Clepen, who attendis your Lordship thair at Courte, is denuncit his Majesteis rebell for not payment-making to him of a certane sowme of money specifeit in the letters raisit and execute thairanent; and thairfoir he desyrit that we wald acquent his Majestie thairwith, conforme to the directioun send doun be his Hienes, wherby it wes his Majesteis will and pleasour that notice sould be gevin to his Majestie of all suche personis attending at Court who ar denuncit rebellis, and for defraud of thair creditouris and frustrating the executioun of his Majesteis lawis remanis thair at Courte, to the effect his Hienes mycht gif directioun for Page 204.

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thair committing to wairde as accordis. As we ar loath to gif ony suche informatioun to his Majestie that ane of his Hienes rebellis hes his ressett, protectioun, and mantennance in your Lordshipis houshald, so we will requeist your Lordship to tak suche ordour with him as he may be moved to purge himselff of this horneing and in reasoun to gif unto the complener satisfactioun. Otherwise, yf the party sall insist in his petitioun, we cannot refuse him the benefite of the law dew to all his Majesties subjectis, bot mone gif significatioun to his Majestie of that manis rebellioun and of his constant residence and remaneing thair at Courte. Sua, recommending this mater to your consideratioun, we commit your Lordship to Godis protectioun. Your Lordshipis verie goode freindis,—*Sic subscribitur:* Al., Cancellarius, Dunbar, Tullibairdin, Blantyre, Haliruidhous, Jo. Prestoun, James Hay."

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"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele:—We wer pleased, for certane considerationis moving us thairto, to grant unto the Erll of Abircorne the gift of quhatsomevir sould be escheited unto us by foirfeytour of the Laird of Auchindrayne, as guiltie of the murthour of late Sir Thomas Kennedy of Cullene, knycht; bot now, finding that the said untymelie granting of that forfeytour hes bene a hinderance unto the tryale of the murdour, and being loath that suche vyld assassianatis sould rest unpunished, we haif thoght goode to retreate oure said grant. It is thairfoir oure pleasour that you call befoir you the said Erll of Abircorne, and eirnestlie insist with him to be contented in presence of you all to surrender into the handis of oure Advocat whatsomevir guift, grant, or promeis he hes of us concerning the said foirfeytour or ony parte or portioun thairof. And, heirin willing you to be eirnist and diligent as you will do us most acceptable service, we bid you hairtelie fairweele.—To our richt trustie," &c.

Whitehall, 15th April 1609. Letter from his Majesty to the Council, retracting his grant of the escheat of Mure of Auchindrane to the Earl of Abercorn.

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"Richt trusty and weilbelovit couseingis and counsellouris, we greit you weele:—After ressett of that your letter wreittin unto us concerneing the releiff of Johnne Buchannan furth of the boundis of his confynneing, both the occasionis of oure uther moir wechtie busynes and the small necessitie we conceaved of any haist in that mater upoun his suite of libertie caused us protract so muche tyme in answering thairof (by oure accustomed forme in uther dispatches, quhairof we dout not bot you haif boith spydie and quick returnes). Alwise in this mater, finding that his wyff is convicted for her undewtifull and wrangous abstracting and deteneing of the Queen oure darrest bedfallowis jowellis, and in that regaird and for abuseing that trust committit to hir haveing most justlie procurit the wraith and indignatioun of oure said darrest bedfallow,—thair being too many presumptionis of hir husbandis guiltines heirin, howevir untryed, who, in regaird of the gaine that did aryse by this filching and embezeling of the said jowellis, being sole and onlie maister thairof, may be verie much suspectit as accessorie to his wyffes fact,—we culd sie small

Whitehall, 27th April 1609. Letter from his Majesty to the Council, anent John Buchanan and the proposal to enlarge the bounds of his confinement beyond Orkney.

caus and les reasone to haisten his libertie, he being in a manner of freedome alreadie, remaneing with his wyf, and not constranit within the compas of ony small circuit, haveing the whole Yland of Orknay comprehendit within his confyneing. Bot, we being now importuned by the frequent petitionis and suiteis of one Mr Johne Dalzell, who being engayged in divers grite sowmes of money for the uther, and he being in dispaire of ony releiff (whiche will turne to his utter undoing) yf befoir the nixt approtcheing Witsunday the said Johnne Buchannan haif not liberty to repair to Edinburgh for ordour-taking with his affairis, and specialie for the said Mr Johnne Dalzell his releif of such sowmes as he for the uther is engaiged; and we being loathe that in so indifferent a mater any of oure subjectis (aganis whome there is nather suspitioun, presumptioun, nor opinioun of offence conceaved) sould be utterly wraiked and undone throughe the want and inlaik of oure help heirin: haif thairfoir thought meete to remitt unto you the triall of the said mater,—whither the said Mr Johnne Dalzell be bundin and engaged, or utherwise hes furnised ony grit sowmes to the uther, of the whiche he is still to demand his releif, and whither thair is ony liklyhead and probabilitie of the said Mr Johnne his freithing himselff of harme and damnage thairin bot [by?] ony uther meanis whatsoevir other than the said Johne Buchannanes releif. And than, haveing found that by the said Johne Buchannanes deteneing in waird the said Mr Johnne Dalzell is disappointit of the meanes of his releife, you sall than immediatly grant and delyver out warrand of his enlargeing furth of the boundis of his confyneing. And thairwith also that you with all speid certifie unto us of the triall that hes bene taken by you in that mater, and how muche you haif found thairin, and upoun quhat just groundis you haif condiscendit to that warrant of his libertie, to the effect we may, upoun resset of your letter, signifie bak oure pleasour ather in alloweing of that licence to be gevin be you, or as we sall sie caus to will you with all haist to direct warrant for his reteiring himselff bak to the boundis of his confyneing, albeit he sall not haif come thrid pairt way toward Edinburgh. It is alwise providit that the warrand of his liberty to be grantit to him sall specialie contene expresse conditioun that he do not repair any way above thrie myles to the southwart of oure said burgh of Edinburgh, and that he find cautioun actit in your bookis to that effect, and for his appeirance at all tymes whensoevir he salbe required to answer upoun his guiltines of that his wyfes fact,—unto the whiche he hes bene by so many likliehoodis suspectit accessorie, in regaird of the presumptionis abonesaid: so as, howevir the present caice of oure innocent subject, frie of all crymes, hes procured this oure directioun to be gevin unto you for his inlargeing to Edinburgh and not beyound thrie myles to the southwart thairof, in caice this narrative and informatioun whiche is maid be trew, yit this his libertie salbe so far fra exeming him (who is thus suspectit) from dew punishment quhenevir he salbe found guyltie, as heirby we do bring him the more neare to the seate of justice for the reddier and smather way to haif that mater exactlie tried and severlie

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punisht. Whiche is one of oure greatest aimes and driftis in all this busynes; and, quhairof not doubting bot you wilbe most cairfull, we bid you fairweele.—To oure richt trustie and richt weilbelovit cousing and counsellour, the Erll of Dunfermeling, oure Chancellor, and remanent Lordis and utheris of oure Previe Counsell of that oure kingdome of Scotland."

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Whitehall, 28th April, 1609. Letter from his Majesty to the Council, with his arguments and reasons against their proposal to allow the export of coals.

"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele:—Your letter of the penult of Marche, contening a commemoratioun of the harmes whiche may arise by the restreant of coillis in that our kingdome, and prohibiting the selling of the same to strangearis, we have ressaved, and at lenth considderit all the reasonis sett doun thairin. The whiche whill we do more narrowlie examine, we cannot bot marvell either of your grite weaknes kythed in a mater concerning the publict benefite, or then of your cairlesnes in preferring thairunto the privat lucre ather of your selffis or freindis. Bot, that you be not unpayed bak with reasonis so evident and cleir as we cannot sufficientlie admire your small respect thairunto (since of the most of thame you could not be ignorant), we haif thoght goode heirby to putt you in mynd of some of thame. And, first, concerning the necessitie of the thing restreaned, and how hardlie it may be laiked, it will appeir yf you will mak comparisoun with the same and uther thingis most straitlie prohibited. For, as it is notorious that the coillis both in that and this kingdome do daylie decay, so is thair no hoip of ony suddane new grouth; and, wheras the transporting of talloun, woll, and uther forbiddin wairis is generallie accompted ane hurte unto the commounwelth, yitt ar those commodityis so far frome being thairby altogidder consumed as that the new provisioun and spairing of cattell wald in shorte tyme repair that hurte. Bot for the growthe of coill, as it can not be expected, at least not in mony ageis of yeiris, so what the caice of that cuntrey wilbe when it is once spent we leave to your awne consideratioun. For, howsoevir you wald now be prodigall of it, yitt hardlie heirefter could you indure the want thairof; and heirwith the necessitie that this our kingdome hes of those coillis, and the benefeit arryseing by the goode and reddy seale of the same maid heir, may sufficientlie confute that objection of want of mercatt. For, besydis that stoir whiche we caus yeirlie to be caryed in for provisioun of oure awne houssis heir, the most parte of oure Counsaill and other nobilitie of this realme ar myndit to provyde thameselffis frome thense; and the same cannot be sent in ony suche quantitie hither bot that thay will sell souner then ony wairis els.

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Lykewayes by the benefeit and use of those coillis the wodis and growing tymmer throughoute all the Yland salbe spared uncutt and undistroyit, wheras our subjectis salbe forced through the want of coillis to mak ane utter spoyll of thame; and to communicat this so necessair a commoditie to strangears, frome whome we can expect none the lyke when we sall haif the want thairof, myght very weele be imputed for a poynt of grite negligence of the commounwelth,—thair being als muche lykliehoode of

importing money into that cuntrey frome hence as frome strangearis, since thair wilbe heir sufficient mercatt for whatsomevir quantitie that cuntrey can spair besydis thair awne provisioun. And, yf thairwith following the example ather of this or of ony other wyse and politique estate, you wald mak the cariage of these thingis yourselffis, not onlie mycht you haif a large gayne by the commoditie itselff, bot thairby your shipping myght be manteyned and grite nomberis of seyfearing men imployed, as by experience is sene in our burgh of Newcastell; whose industrie must condemne you of sluggishnes. And heirwith we will showe unto you our awne particulair prejudice and damnage ressaved by the venting and selling of coillis in that kingdome to strangearis. For of late yearis, when strangearis did wholie resorte to Newcastell, then wes the impoist of the coillis takin at a very heich rate, the payment wherof the farmaris now refuse to continew, becaus that frome Scotland strangearis without payment of ony impositioun ar furnissed,—wherby the mercatt is gone frome thame, and we, ressaving no benefeit of ony moment by the transportatioun of so necessair a commoditie oute of oure dominionis, ar also damnifeit in oure rent. Bot, most of all, the complaynt of all sortis of people in generall, and of the poorer sorte of that cuntrey in particulair, concerning the derth of those wairis, moved us to think that the abundance thairof is not so grite as that thay sould be afforded to strangearis. And thairfoir, holding this restreant consonant and aggreable to reasoun, equitie, goode policye, and generall benefeit of the commounwelth, we ar so far frome yealding ony toleratioun to the contrarye as we will holde thame that ar novaris and sutearis thairof direct enemeyis to the publict weale. And thus, willing you to be better advised in this mater, we bid you fairweele.—*Postscriptum*, writtin every worde with the Kingis awne hand: 'It is a shamefull thing that the privat gayne of some two or three personis sould be putt in ballance not onlie with the weele of that whole kingdome, bot evin of this whole Yle; and I wounder how ony doubt can be maid of the venting of thair coillis, since coillis ar at this instant almost unbuyable for dearthe.'" Royal Letters, 1604–1612.

Whitehall, 28th April 1609. Letter from his Majesty to the Council, in favour of Wauchop of Niddry.

"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele:—Wheras we haif bene pleasit to rehabilitate Sir Frances Wauchop of Nudrie Mershaell, knicht, to injoy, brouke, and posses his landis, leving, and heritage, and haif restoirit him agane to his bloode, foullye by the treasounable crymes of his umquhile fader attainted, for the whiche he wes foirfalted by oure Esteatis of Parliament in that oure kingdome [*Acts of Parl.* 1592, iii. p. 528], and since we of oure speciall grace and mercye haif now graunted unto his said sone a restitutioun in his bloode, we ar to desyre you upoun the first presenting of the same to expeid the said graunt alreddy signed be us, to the effect the said Sir Frances for his greitair securitie may haif the same past our seillis. And thir presentis salbe your warraunt,—wherin you shall do us acceptable service. And so bidis you fairweele." Page 229. See *ante*, p. 571.

Royal Letters, 1604-1612. Page 211.

"Most gratious and sacred Soverane:—The Erll of Abircorne compeirand personalie befoir your Majesties Counsell upoun the secund of this instant, he, according to your Majesties directioun, very freelie and willinglie surrenderit, renunceit and simpliciter ourgaif in your Heynes handis all grantis, giftis, and promissis maid be your Heynes to him of the forfeytour of the Laird of Auchindrane, and exhibited tua letters past your Majesties handis in his favour, contening your Heynes promeis maid to him of the said foirfeytour,—whilkis two letters wer then instantlie by speciall act and warrand commandit to be cancellit and distroyit, as thay wer indeid in presence of the Counsell, sua that the same will haif no force nor effect heirefter. Wherof we haif presomed to mak your Majestie acquented, to the effect your Heynes, in your princelie wisdome, may gif suche forder directioun in that mater as salbe thoght expedyent. And sua, praying God to blisse your sacred Majestie with all happynes and contentment, we rest for ever your Majesties most humble and obedyent subjectis and servitouris,—A., Cancellarius, Mar, Uchiltrie, Blantyr, J. Cokburne."—See Royal Letter, *ante*, p. 573.

3rd May 1609. Letter from the Council to his Majesty, informing him that the Earl of Abercorn has resigned his gift of Auchindrane's escheat.

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"Most gratious and sacred Soverane:—Thair hes bene some questioun moved befoir your Majesties Counsell upoun the secund of this instant be the Laird of Edzell anent a commissioun past your Majesties hand in favouris of the Erll of Craufurde and his freindis, anent the persute of the criminallis of the Lord of Spyneis slaughter; wherin Edzell pretendis verie grite prejudice, and the hasaird and perrell of his lyffe and estate, yf the said Erll and his freindis salbe onywayes armed and cled with your Majesties authoritie over him,—seing, under cullour of seiking of these rebellis, thay may persew his house of Edzell, wherin his movablis and evidentis ar, and his duelling-house in this burgh, quhair now his ordinarie residence is, and with the pretext of law and of your Majesteis authoritie execute thair privat revenge aganis him, who is a lauchfull subject ansuerable to the lawis, and hes found cautioun for the not-ressett of the saidis rebellis in the said house under the pane of x^m merkis. And thairfoir he craved that this commissioun micht be suspendit and dischargeit. Wherupoun the said Erll being at lenth hard, and he affermeing constantlie that young Edzell had his ordinair ressett within the house of Edzell, and being very instant to haif the said commissioun to stand, we having advisit thairupoun, and being ignorant of the forme, tennour, and nature of this commissioun, whiche wes nevir as yitt presentit to Counsell, and, as we ar informed, nouther registrat nor signit conforme to the ordour, and being loath in ony wayes to mell thairwith or to querrell the same without your Majesties previtie or allowance, we haif simplie, in respect of the cautioun foirsaid, ordanit the execution thairof, aganis the saidis tua houssis allanerlie, to rest and ly over quhill the sixt of Junii nixt, that in this meantyme we may knowe your Majesties will and pleasour, als weill anent this as anent other commissionis of the lyke natur concerning particulair pairtyis whilkis ar not presentit nor

3rd May 1609. Letter from the Council to his Majesty, informing him that the Laird of Edzell seeks exemption from a commission of justiciary granted by his Majesty to the Earl of Crawford against the slayers of Lord Spynie.

showne in Counsell. Wherin submitting ourselffis to your Majesties princelie directioun, whiche we will attend at your Heynes goode oportunitie and laser, and praying to God to upholde your Majestie and all your royall progenye under his faderlie protectioun and saulfgaird, we rest for ever your Majesties most humble and obedyent subjectis and servitouris,—A., Cancellarius, Mar, Abircorne, Uchiltrie, Blantyr, J. Cokburne." Royal Letters, 1604-1612.

Whitehall, 5th May 1609.
Letter from his Majesty to the Council, commanding a commission to be granted to Kennedy of Culzean for apprehending the murderers of his father.

"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele:—Wheras James Kennedy of Culleane, the sone of umquhile Sir Thomas Kennedy, murthourit, hes maid humble sute unto us that commissioun may be grantit unto him for the searcheing of Thomas Kennedy, callit of Barganye, being the committair of that filthie fact, and of James Bellenden, being of the foirknowlege and specialie accessorie thairto,—whilkis personis ar now fugitive fra oure lawis, and not onlie by thair not apprehensioun thay thameselffis remane unpunissed, bot the guiltynes of the Lairdis of Auchindrayne, eldair and younger, who ar takin and lying in presone for that same fact, is not yitt cleirlie discoverit and maid knowne,—and becaus thair is muche undirtakin by the said James Kennedy that he sall very schortlie gif some proffe and testimonie of his eirnistnes in the persute of these murtheraris of his fader, albeit we haif had some suspitionis of distruist of the contrarie: we haif thairfoir by this our letter thoght meete to recommend him particularlie unto you, that he may be authorized by ample and large commissioun for this effect, suche as is usuallie graunted in the lyke cause, so as by that meanis searche may be maid for the offendouris, thay upoun thair apprehensioun condignelie punissed, and the land purgeit of that bloode and murthour so filthielie committed. For doing wherof these presents salbe unto you sufficient warrant. And so we bid you fairweele." Page 229. Page 230.

Edinburgh, 15th May 1609.
Letter from the Council to the Nobility, requiring their attendance at the approaching Parliament.

"After oure verie hairtlie commendationis to your goode Lordship:—The Parliament of this kingdome being appointit to begin and hald, God willing, at the burgh of Edinburgh upoun the xv day of Junii nixt to come preceislie, for certane materis concerning the glorie of God and commounweele of this cuntrey, thairfoir these ar to requeist and desyre you effectuuslie that you faill not to keepe the said day preceislie, and to assist the remanent Esteatis by your presence, counsaill, advyse, and determinatioun in suche thingis as salbe proponned and intreated at that meeting. And sua, resting assuired that your Lordship will preceislie keepe this dyet as your Lordship respectis his Majesties obedyence and service, committis your Lordship to God.—*Subs.:* A., Cancellarius, Wyntoun, Perth, Haliruidhous, Ja^{s}. Pr. Orcad." Page 216.

Council to the Commissioners for the small Barons, in the same matter.

Same preamble, with this conclusioun:—"And, seing you ar Commissionairis for the small baronis and freehaldaris of that sherefdome, these ar thairfoir to requeist and desyre you that you faill not, all excuissis sett Page 216.

Royal Letters, 1604–1612.

asyde, to keepe the said dyet preceislie, and to addresse yourselff heir in dew tyme, provydit to reasoun, voit, treat, and conclude in suche thingis as salbe proponit at that meiting. And sua, resting assured," *ut supra.*

Page 216.

Same preamble, with this conclusion:—"Thairfoir these ar to requeist and desire you that you faill not, all excuissis sett asyde, to direct your Commissionaris heir in dew tyme to the said Parliament, provydit to reasoun, voit, treate, and conclude in suche thingis as salbe proponned to that meeting. And sua," *ut supra.*

Council to the Burghs, in the same matter.

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"Most gratious and sacred Soverayne:—The continewall and inoportune complaintis fra tyme to tyme exhibit unto us by your Majesteis poore distressit subject, Thomas Hendersoun, and the consideratioun of the grite inequitie committit upoun him under the name and authoritie of the King of Spayne (with whom your sacred Majestie at that tyme and as yit haldeth firme amitie and freindschip), doeth not a litle greve us. For, he being in his lauchfull trade of merchandice within the dominionis of the said King in the yeir of God, where he expectit not onlie a peaceable commerce, trafficque, and intercourse of his goodis, bot suche uther officious dewteis of freindschip as ar usuall to lauchfull trafficqueris, notwithstanding his schip and goodis wer seasit upoun be force, and himselff committit to the gallayes quhill he wes constrenit to serve; and, efter four yearis service under the said King, his schip and most pairt of his equippage wer cassin away and pereished, to his utter miserie and undoing. Wherin althocht some determinatioun hes bene tane by the said Kingis officiaris, the valour of his schip and goodis proportioned and sett down, the tymes of his service accomptit and rated, and his whole caus promissed to be put to ane end and dew satisfactioun and redres accordinglie to be maid, yit litle or no redres hes bene maid at all, bot suche schifting delay usit in this busynes by those who hes the charge thairof as is not aggreeable with conscience, equitie, nor justice, nor with the honnour, credite, and reputatioun of thair placeis. Wherthrouch your Majesteis poore subject, eftir lang attendance without hoip or appeirance of redres, is returnit, haveing spent and consumed upoun the persute of this busynes als muche and moir nor the valu of his schip and goodis extendit to, and is now reducit to extreame miserie, haveing the charge and burdyne of a wyff and a numerous familie and houshald of young childrene, whoise caise is to be pityed:—that, being somtymes in goode rank and amangis the cheiff and best of this toun, and ane of the first merchand ventnearis in this your Majesteis kingdome, is now dejectit and undone, not haveing sufficient mant[en]ence for his poore houshald and familie. Upoun the consideratioun quhairof we haif tane the bauldnes in all reverence to recommend him unto your Majestie, and humelie to intreate your Hienes to caus propone this mater to the Spanishe ambassadour thair resident, laying befoir him the grite iniquitie committit upoun your Majesteis said subject within the tyme of peace, the disdanefull schifting of him fra hand

Edinburgh, 16th May 1609. Letter from the Council to his Majesty, representing the case of Thomas Henderson and his claims for redress against the Spanish Goverument.

to hand with continewall delayis, importing in effect ane plane refuisall and denyall of justice, and that thairfoir the said embassadour may be moved to tak some cours how your Majesteis distressit subject may be redressit, als weele of his lossis as of the chargeis and expenssis sustenit be him in persute thairof. Bot, heirin submitting oure simple and waik opinioun, and what forder your Majestie thinkis meete to be done in this mater, unto your Hienes most rair and excellent judgement, and humblie craving your Majesteis pardoun for oure presumptioun, we end with oure humble and harty prayeris to God to preserve your Hienes and your royall progenie in helth and felicitie.—Your Majesteis humble and obedient subjectis and servitouris,—*Sic subscribitur:* Al., Cancellarius, Dunbar, Wintoun, Perth, Ros, Torphichin, Halieruidhous, Jo. Prestoun." Royal Letters, 1604–1612. Page 216.

Edinburgh, 23rd May 1609. Letter from the Council, in answer to the King's letter of the 27th April anent John Buchanan and his creditor Mr John Dalzell.

"Most gratious and sacred Soverane:—Having ressavit commandiment from your sacred Majestie to examine and try the particularis of Mr Johnne Dalzell his ingagement for Johnne Buquhannane, and yf thair be ony probabilitie or likliehoode of the said Mr Johnne his releiff be ony uther meanis whatsomevir uther then the said Johnne his relaxatioun frome his confyneing, we, according to oure most humble and faithfull dewyteis to obey your Majestie, haif had the said Mr Johnne befoir us, and at lenth hes hard him alsweele upoun the particularis as the verificatioun of his ingagement. Wherin he pretendis that he is interest be advancement of his proper money and ingageing of his credite for the said Johnne abone xvi^{m} merkis: quhairof these following ar the particularis:—viz. to the Laird of Edmestoun nyne thousand merkis; to the Constable of Blaknes ane thousand merkis; to Henry Wardlaw ii^{c} lib. sterling, in parte of payment of the soume of iiii^{c} lib. sterling decernit aganis Margaret Hairtsyde for the valeu of hir Majesteis jewellis abstractit be hir; to Mr Robert Buquhannane xxx lib. sterling; for the boorde and clething of some of the said Margaret hir suster bairnis and ane bruther sone of the said Johnes, who ar intertenyed at thair chargeis in Dunfermlyne, viii^{c} merkis; and for furnissing and advancement maid to the said Johnne and his spous sen thair going to Orknay, j^{m} lib. For verificatioun quhairof he producit two acquittanceis, the one gevin by the Laird of Edmestoun and the uther be the Constable of Blaknes, upoun the ressett of thir soumes fra him in name of the said Johnne; as alsua he produceit ane missive letter directit unto him fra the said Johnne requeisting him to tak ordour for satisfactioun of Edmestoun and the Constable of Blaknes outher be the said Mr Johnne his awne proper geir or be his credite, and promissing payment thairof, as alsua of the soumes advancit to Henry Wardlaw, Mr Robert Buquhannane, and utheris. Thir verificationis being considderit and narrowlie examinat be us, we dar not presome to gif unto your Majestie our assuirance that thir soumes hes bene advanceit be the said Mr Johnne his awne proper moyen and credite, seeing it is not liklie that upoun so sclender a warrand as a missive bill, without ony forder conditionis and suirtie, he wald undirtak so grite a burdyne, wheras materis Page 218. Page 219.

Royal Letters, 1604–1612.

of suche moment amangis most deir freindis ar ordinarlie perfyted with goode provisois and strait conditionis. And, althoght his information wer trew, as possibillie it may be, we dar not constantlie afferme to your Majestie that his releif doeth altogidder and without ony other probabilitie or likliehoode depend upoun the said Mr Johnne his relaxatioun frome his confyneing. And, this being a mater quhairin your Majestie and your darrest

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spous hes so speciall interesse, and the said Johnne his confyneing proceeding immediatlie frome your Majestie, we haif in all reverence towardis your Heynes simplie forborne to be suddane in yeilding to his releif, whill your Heynes, after consideratioun of the premissis, returne your gratious will and pleasour what your Majestie will haif to be done heirin; wherunto with all dew respect and regaird we shall in all humilitie conforme oureselffis. And sua, praying God to grant unto your Majestie, efter a lang, happy and prosperous regnne, eternall felicitie, we rest,—*Sic subscribitur:* Al., Cancellarius, Craufurde, Cassillis, Ros, Roxburgh, Haliruidhous, R. Cokburne, Clericus Registri, Mr P. Rollok."

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"Richt trustie and richt weilbelovit cosines and counsellouris, we greete you weele:—Wheras the Marquis of Huntlie and Erll of Errole, [who] ar now lying in warde in the castellis of Striviling and Edinburgh, and

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standing excommunicat, and thair lyverentis declairit to apperteyne unto us, do yitt not the les feid thameselffis upoun hoipis of favour to be extendit towardis thame upoun ony the least shew of thair conformitie, we, being broght in a just diffidence of thair trew and upricht meaning by reasoun of thair monyfauld apostaceis efter severall conversionis, haif thoght meete, alsweele for removing of suche vayne hoipis as thay consave of favour to be procured heir at oure hand as for certifeing you of oure Counsell with oure full mynd and determinatioun in this mater, whiche is to serve for a reule and president for all utheris that salbe in the lyke caice, to sett doun a particulair ordour of the proportioun of favour whiche we will vouchaif according to the degree of thair yeilding and conforming thameselffis:—

Greenwich, 26th May 1609. Letter from his Majesty to the Council, giving precise instructions for proportioning the degrees of indulgence to be allowed to the Marquis of Huntly and the Earl of Errol, now in ward for their religious non-conformity, to the degrees of their submission.

"As, first, yf thay or ony of thame do refuse to heir sermone and admitt conference, we hald thame unworthie of ony favour to be extendit, bot that the rigour appointed by law be prosequuted aganis thame; or, yf thay sould admitt conference and refuse to heir sermone, we hold thame in no better caice, as refuseing that ordinarie meane appointit by God himselff for thair conversioun.

"As, lykewayes, yf thay sould repair to sermone and admitt conference, and yitt all the quhyle never confesse thameselffis to be satisfeit and resolved in some two or three pointis at least speciallie contraverted betuix us and the papistis, then thair yeilding to conference and heiring of sermone can haif no uther constructioun bot to be mere hipocriticall, with ane obdured resolutioun that nouther teicheing nor conferring sall ony way divert thame frome thair blind superstitioun; and, in that regaird, we hold this conditioun to be als unworthy of favour as the rest, so as ather

Royal Letter anent the Marquis of Huntly and the Earl of Errol.

these noblemen or ony other once excommunicat for the lyke caus sall never expect (upoun thair yeilding no forder then is befoir sett doun) ony mitigatioun of that rigour whiche the law appointis. Royal Letters, 1604-1612.

"And, yff ony of thame or bothe sould not onlie repair to sermone and admitt conferrence, bot under thair handis also sould grant thameselffis fullie and cleirlie satisfeit and resolved of two or three speciall pointis of doctrine at least, contraverted betuix us and the papistis, in that caice we will willinglie condiscend that, according to the discretioun of the capitane, constable, or principall keeparis of that warde where thay do remane, thay sall haif a libertie in the day-tyme to walk or ryde abroade in the company of thair keeparis for thair recreatioun, thay alwayes returning bak before nicht in dew tyme to thair wairdis agane; provyding alwayes thair be sute maid be thame to you of oure Counsell for a speciall warrand to thair capitane, constable, and keparis; whiche you sall yeild unto, thay produceing a sufficient testimoniall of the bischop of the diocie and minister of the parishe where thay remane that thay haif gevin satisfactioun in the qualitie abonewrittin: with a speciall provisioun lykewayes that the saidis noblemen or ony of thame who salbe suitair for ony suche warraunt do find sufficient and responsaill caution actit in your bookis that thay sall noway abuse this libertie thus grantit unto thame, nor mak ony eschaip frome thair keeparis, nor pas the boundis of thair inlargement in ony wayes, bot shall in dew tyme appointit returne to thair wairdis, undir the pane of . Page 222.

"Bot, yff these noblemen or ony of thame sould so far conforme thameseffis as, with repairing to sermone and admitting of conference, thay sould also aggree in all pointis contraverted, except the poynt of communicating only, in that caice we wilbe content to inlarge thame furth of warde and confyne thame in ony burgh or citye in that kingdome whiche we sall hold fittest, and within aucht myllis of circuit aboute the same, provyding alwayes that at the tyme of thair sute for thair inlargement both sufficient certificat under the handis of a certane nomber of bischoppis and commissionaris of the Generall Assemblie be produceit that thay haif thus far conformed thameselffis, and thay also thairwith find cautioun under the sowme abonewrittin that thay sall conteyne thameselffis within thair confyneing, that thay sall repair to sermone and admitt conference at all dew and seasounable tymes, that thay sall not offend aganis the law in ressetting of jesuitis nor preistis, that thay sall committ the educatioun and upbringing of thair childrene to men unsuspectit in religioun, and that thay sall retene none in thair company that ar onywayes suspectit, and shall keepe in thair house ony suche young man as the commissionaris of the Generall Assemblie sall appoint to be resident with thame for geving unto thame by conference suche satisfactioun of ony doubt thay can consave concerning the said point of communioun as thay will desire to be resolved of. And heirwith it is speciallie meanit by us that, nochtwithstanding of ony soirt of conformitie befoir specifeit, the said noblemen sall not regaine to thameselffis bak the

Royal Letters, 1604–1612. benefeit and use of thair leving and estate, lost by thair excommunicatioun and declairit thairwith to apperteyne unto us, bot ar onlie to expect suche a proportioun thairof as we in oure discretioun sall allott unto thame for the mantenance of thame and thair familye. Royal Letter anent the Marquis of Huntly and the Earl of Errol

"Bot, yff thay do conforme fullie in all pointis, and speciallie by communicating, then will we deale oute of grace so favourablie with thame that, notwithstanding thair lyverentis ar lost and declairit to apperteyne unto us, and that we may dispose the same to whomsoevir we pleis, yitt in that caice we will restoir unto thame thair leving and rentis, and thairwith will inlarge thame from the boundis of that towne or citie where thay wer formarlie wardit, and appoint thame some one of thair awne houssis to remane in and ten myllis aboute the same for suche space as we shall hold expedyent, thay alwayes finding cautioun for remaning within the boundis of thair confyneing, and keeping and fulfilling of all the particulair conditionis befoir prescryved in the article immediatlie preceding.

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"And, willing you to mak speciall use of this directioun, and according to the reulis prescryved in the same to proceid in the enlargeing or restreaning of these noblemen, we bid you fairweele."[1]

age 223.

Greenwich, 26th May 1609. Letter from his Majesty to the Council, in the matter of the commission to the Earl of Crawford against the slayers of Lord Spynie, and the Laird of Edzell's inconvenience therefrom.

"Richt trustie and richt weilbelovit cosines and counsellouris, we greete you weele:—Your letter of the thrid of May concerning the Erll of Crawfurdis commissioun aganis the slayaris of umquhile the Lord of Spynie we haif ressaved, and cannot bot muche mervell that the said commissioun hes nevir bene as yitt produceit unto you, nather past, registrat, nor signet efter the accustomat forme. For, howsoevir oure signeing of the same doeth gif it full lyfe, yitt will we haif none that salbe purchessair of ony suche commissioun presome at thair awne handis to mak use thairof befoir it be first produceit and authorised be you of oure Counsell, and thairefter past, registrat, and signet in the accustomat forme, except upoun a very speciall caus that we be pleased upoun some particulair motive to dispence in oure warrant thairwith. And thairfoir oure will is that you call the said Erll befoir you, and outher caus him produce the same or then that you discharge all forder executioun thairof.

"And, as for the suspensioun of the commissioun desyrit be the Laird of Edyell, eldair, in sa fer as upoun pretext thairof ony searche salbe maid be these commissionaris ather within his ludgeing and duelling house in Edinburgh, wherby his persone, who is a deutifull subject, upoun thair disordinat desire of revenge, may be hasairdit, or yitt within his place of Edzell, quhair his evidentis and movablis do ly, and whiche under that pretext may be maid spoill of, we do allow that the said commissioun salbe suspendit in the executioun in sa fer as may concerne ony searche to be maid in these two houssis,—the said Edyell, eldair, alwayes finding cautioun under grite soumes not to ressett ony of these malefactouris within ony of the same; it being alwayes heirwith provydit, lyke as we

[1] These words annexed to the copy: "Presentit to the Counsell 5 Junii 1609."

will the same to be expreslie contenit in the act of cautioun, that, whensoevir ony informatioun salbe gevin by the Erll of Crawforde, ony in his name, or by ony other of the freindis of the pairtie killed, to ony ordinair officer or magistrate within the kingdome who sall haif pouer and jurisdictioun in these boundis, or to the captane of oure gaird or his lieutennent, that ony of the malefactouris ar within ony of these houssis thus exemit frome the said commissioun, the said Edyell, eldair, upoun ony requisitioun to be maid ather by the said captane or lieutennent of oure gaird, or by ony other ordinair officiair and magistrat, sall mak presentlie oppin and patent durris for sufferring a searche to be maid in ony of the saidis two houssis; whilkis officiaris, magistratis, and captane of the gaird foirsaid sall tak none with thame in ony of these houssis bot suche of whome thay are fullie assured sall forbeir all misdemeanour and outrage, and for whome utherwayes thay will answer,—that, as auld Edyellis indempnitie, bothe in persone and goodis, is thus provydit for by suspensioun of the commissioun foirsaid, so the pretext thairof may not be ony latt or hinderance to the searche of these malefactouris in caice thay sould be ressett; whiche we think the place that he possessis, his dewitie unto us, and the freithing himselff frome these hard imputationis conceaved sould caus him foirbeare, and move him rather to mak diligent searche for thair apprehensioun then ony way to ressett or supplee thame. And so we bid you fairweele." Royal Letters, 1604–1612. Page 224.

Greenwich, 27th May 1609. Letter from his Majesty to the Council, touching complaints against the Earls of Caithness and Orkney.

"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele:—Wheras we undirstand that the last of Maij instant is appointit for the compeirance befoir you of the Erllis of Orknay and Caithnes, ather of thame to answer to suche particulair complaintis as hes bene gevin in aganis thame; and we being loath to be too credulous upoun every reporte to conceave hardlie of ony of these two; yitt the auld proverb (that whair muche is spokin some must be trew) moves us in this particulair to be the moir cairfull to haif ane exact tryale takin, specialie in regaird the complenantis ar a company of poore people, often importuning us by thair petitionis, and who hardlie may haif agane the lyke occasioun of these noblemenis compeirance. For whiche caus we haif thoght meete, upoun the appeiring of these befoir you, to tak present ordour for either of thair committing, or then for thair furthcomeing in causing thame find cautioun undir grite soumes that thay shall not depairt furth of the boundis of that your residence untill suche tyme as thay haif ather cleirit thameselffs of all occasionis layed aganis thame, or then haif gevin dew satisfactioun to suche as sall complene of thame, that thairby we may [be] fred of all forder outcrying and exclamatioun of poore people for the injureis and wrongis done unto thame by ony of these two erllis. For doing whereof thir presentis being unto you warrand sufficient, we bid you fairweele." Page 224.

Greenwich, 31st May 1609.

"Richt trustie and richt weilbelovit cosines and counsellouris, we greete you weill:—Wheras the richt reverend fader in God, oure trustie and Page 233.

Royal Letters, 1604–1612.

richt weilbelovit counsellour, the Archiebischop of Glasgu, hes of lait done unto us most notable and worthie service, not onlie in apprehending the preist Patirsoun and discovering the place of Mr Johnne Hammiltonis ressett, whiche gaif the occasioun of his taking, bot also in going to the toun of Newabbay and thair breking up the chalmer of Mr Gilbert Browne, sometyme abbote thairof, and, having found a grite nomber of popishe bookis, coapis, chalices, picturis, imageis, and suche uther popishe trash, he most worthelie and deutifullie, as become bothe a prelatt and counsellour, on a mercatt day, at a grite confluence of people, in the hie streit of oure burgh of Drumfreis, did burne all these coapis, vestimentis, and chaliceis, having delyverit to Maxwell of Kirkconnell all these bookis upoun speciall promeis that he sould mak thame furthcomeand:—In consideratioun of whiche service, wherof we most tak speciall notice for the encourageing bothe him and utheris to do the lyke, intending to manifest oure goode allowance and acceptatioun thairof, oure pleasour and will is that you sall by speciall Act of Counsell approve and allow the said Archiebischop his whole procedingis als weill in apprehending the preist Patersoun as in his intrometting with these bookis, chaliceis, vestimentis, and in the burning and distroying most pairt of thame at the mercat croce of our burgh of Drumfreis, declairing that bothe he himselff, his followaris, servandis, and assistaris ar free in that actioun and exemed frome all dangeir and pane of law. And heirwith you sall direct summair chargeis under pane of hoirning aganis the said Maxwell of Kirkconnell for delyverie to the said Archebischop of all these bookis left in his hand, since we ar pleasit to gif and dispone the same to him to be usit at his pleasour. For doing of whiche premissis thir presentis salbe unto you warrand sufficient. And so we bid you fairweele.—To oure richt trusty," &c.—See *ante*, p. 301.

Letter from his Majesty to the Council, ordering an Act of Council in favour of the Archbishop of Glasgow, with exoneration to him for his recent proceedings against Roman Catholics and their practices in Annandale and Nithsdale.

Page 234.

Page 220.

"After oure verie hartlie commendationis to your goode Lordship:—We haif hard the report of your proceedingis in the executioun of that commissioun grantit to [your] Lordship anent the reconsiling of the Erll of Glencarne and Lord Semple, and what ordour your Lordship hes tane with that accident whilk fell out betuix two of the Erll of Glencairnis servandis the tyme of the said reconsiliatioun. Wherin as your Lordship hes verie honnorablie and worthelie behavit yourselff and effectuallie execut that commissioun grantit unto your Lordship,—for the whiche we rander unto your Lordship oure hairty thankis, and with the first occasioun sall acquent his sacred Majestie with the cair, diligence and discretioun whiche your Lordship hes usit in that mater,—so we haif thocht meete to remit unto your Lordship full ordour-taking with these two personis who be thair misbehaviour gaf occasioun of disapointing and frustrating of the said aggriement, that, as the contempt and indignitie wes done to your Lordship in the executioun of so necessar a point of his Majesteis service, so the full authoritie to punish the same or dispens thairwith salbe in your Lordships handis, as a mater most propperlie concerneing your Lordship in

Edinburgh, 1st June 1609.

Letter from the Council to the Earl of Wigtown, thanking him for his services in reconciling the Earl of Glencairn and Lord Sempill.

honnour. And sua, recommending your Lordship unto Godis protectioun, we rest your verie good freindis,—*Sic subscribitur:* Al., Cancellarius, Crawfurd, Mar, Elphingstoun, Blantyre, Halieruidhous, R. Cokburne, Quhittinghame." Royal Letters, 1604–1612.

Greenwich, 2nd June 1609. Letter from his Majesty to the Council, in the matter of means for enforcing the continued purchase of arms from Lord Balfour of Burley.

"Richt trustie and richt weilbelovit cosines and counsellouris, we greete you weele:—Wheras we undirstand that a grite quantitie of those armes broght into that kingdome at our directioun and command by the Lord Balfour of Burley ar yitt unsauld, howevir thair be mony Actis of Conventioun and Counsell injoyning every one according to his degree and rank to provyde himselff of the same, and since one of the caussis thairof (as we ar informed) is the not discussing of suche suspensionis as hes bene purchest by pairtyis for the same (whiche proceidis upoun the multitude of busynes depending befoir you), we haif thoght meete to desire you to gif commissioun and pouer to some two or three of your nomber to heir those suspensionis reasouned and discusse the samin, that so nather by delay the Lord Burley be hinderit nor that the troubling of you with thir materis of so small moment be not ane hinderance or stope to the cair and dispatche of moir weyghtie affairis. And so we bid you fairweele." Page 234.

Greenwich, 3rd June 1609. Letter from his Majesty to the Council, in favour of Wood of Bonnytoun, deprived of his patrimony.

"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele:—The lang sute of Sir David Wode of Bonnytoun, in demanding of his just birthright of successioun to his faderis landis and estate aganis Hary Wode, his younger bruther, having bene often heirtofoir recommendit by us bothe to oure Parliament and Sessioun of that oure kingdome, and we now undirstanding of the reasounable offers maid be him for his brutheris satisfactioun, we haif thairupoun takin occasioun of new to remitt that mater to your consideratioun, desiring you to call bothe him and his bruther befoir you; and, having considerit of the justnes of his demand, the equitie of his offers, the ressonis that his bruther can alledge to the contrarye, we will you upoun the same to proceede and putt ane finall end to that busynes, that so we may haif no forder caus of complaynt maid be the said Sir David for his delay of that sute. Wherin you sall do us acceptable service. And so biddis you fairwele." Page 228. Page 229.

Whitehall, 6th June 1609. Letter from his Majesty to the Council, anent Hamilton of Stanehouse, applicant for a share of the forfeited lands in Ulster, with instructions in that matter generally.

"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele:—Wheras petitioun hes bene preferrit unto us by one Robert Hammiltoun of Stanehous that he micht be admittit and ressavit in the cumpany of these undirtakaris for the Irishe Plantatioun, makand offer to performe all conditionis injoyned to these who sall haif ony pairt or portioun of these landis graunted unto thame, we, being informed of the manis habilitie to do the same, hes caused inroll him heir amangis the nomber of the Scottis undirtakaris for a proportioun of 2000 aikeris, according to suche lett as shall befall him within the countie of Armach. And, becaus, upoun some distrust we had that mony wald undirtak wher thay will not or rather could not performe these conditionis injoyned, and Page 228.

oyal Letters, 604–1612.

so thairby our service be disapointit and frustrated, we haif thairfoir willed that suirtie salbe tane by you thair of all suche as sould offer thameselffis in this busynes and mak sute of ony proportioun of that land to be alloted unto thame. And thairupoun remittis this beirair to find the same suirtie; wherwith you sall acquent us how soone soevir the same salbe done. And so we bid you fairweele."—See *ante*, p. 317.

ıge 225.

Edinburgh, 8th June 1609. Letter from the Council to his Majesty, anent the Earls of Caithness and Orkney.

"Most gratious and sacred Soverane:—The Erllis of Caithnes and Orknay haveing keipit the dyet appointit unto thame for thair compeirance before your Majesteis Counsale to answer to the complaintis of your Majesteis poore subjectis distressit be thame, they wer both put undir cautioun of twenty thowsand pundis to remane in this burgh of Edinburgh whill all complaintis according to the ordinair course of justice wer satisfeit. And, be ressoun of some heit amangis thameselffis, thay wer chairgit to keip thair ludgeingis quhill ordour wer tane for the observing of your Majesteis peace. In the meantyme some noblemen, thair freindis, without the knawlege or directioun of the Counsale, tuke a dealing betuix thame, and so fer proceidit thairin that thay fullie satled all thair differenceis; so as, quhan thay, and Thomas Ramsay, who wes the principall pairtie grevit on the Erll of Orknayis syde, maid thair appeirance before the Counsale, and the Counsale being willing and reddy to have proceidit be ordour of justice in boith thair complaintis, it kythed cleirlie that be the mediatioun foirsaid thay wer aggreit, in so fer as thay tooke up thair complaintis and wald not insist thairintill. And yit the Counsell, not willing to leve that mater in a uncertantie, demandit of thame gif thair remanit ony scruple or miscontentment in thair hairtis, the one aganis the uther. Thay boith declairit that thair wes no miscontentment betuix thame, acknowlegeing that, upoun sinister informatioun, without good ground or warrand, thay had rased thir complaintis and gone too far thairin, and that now thay could not prove the same; and thay hairtelie imbracet ane another with all schawis of kyndnes and freindschip; and sua thay gaif the Counsale litle to do in thair particulairis. Alwyse, afore thay be fred of thair cautionarie, suche good and strait course salbe tane with thame as thair salbe a frie, peciable, and suire passage to all your Majesteis subjectis through thair cuntreyis and frome the one cuntrey to the other, and thay salbe maid to be ansuerable for quhatsumevir stay, hinder, or prejudice your Heynes subjectis sall sustene in thair passage through thair boundis. We have hard of no complaint aganis the Erll of Caithnes bot that of Thomas Ramsayis. Thair is a nomber of complenairis attending aganis the Erll of Orknay, and Twysday nixt is appointit for the heiring and examinatioun of thair complaintis; wherin suche dew regaird salbe had to thair grevis as is aggreable with law, equitie, and justice.

Anent Mr John Preston's appointment to the presidency of the College of Justice.

"Mr Johnne Prestoun is ressavit and admitit President, to the contentment and good lyking of your Majesteis subjectis, and we hoip that his awne good dispositioun, and his long experience and good knawlege in the effairis of this estaite, sall mak him prove worthy of that imployment.

And sua, praying God to blis your sacred Majestie with perfyte happynes and contentment, we rest, &c.—*Sic subscribitur:* A., Cancellarius, Dumbar." Royal Letters, 1604–1612.

Edinburgh, 9th June 1609. Letter from the Chancellor to the town of Aberdeen, anent two pieces of ordnance left in pledge in the town by a foreigner.

"Richt traist freindis, efter oure hairtlie commendationis:—Thair hes bene complaint maid to the Kingis Majestie in name of the Archiduke, be his ambassadour resident with his Heynes, that you, aganis law, equitie, and justice, doeth withhald frome him two brasine peceis left in that toun be a captain of one of the said Archiduke his schippis, in pawne of certane money borrowit be him thair, whiche of long tyme bigane is thankfullie payit. And, quhairas decrite is gevin before the Admirall at the instance of ane Englischeman for deliverie of these two peceis to him, nevirtheles it is the Kingis Majesteis speciall will and directioun that you mak no deliverie of thame at all to the Englischeman, bot that you retene thame in your handis quhill you ressave forder directioun thairanent, outher frome his Majestie or his Counsale. And thairfore these ar to requeist and desyre you, and in his Heynes name to command you, to reteene these two peceis and in no way to deliver them to the Englishman, nochtwithstanding ony decrite obtenit be him, quhill you ressave forder warrand and directioun thairanent frome his Majestie or his Counsale as said is, as you respect his Majesteis obedience and wilbe answerable upoun the contrarie at your perrell. Sua we bid you fairwele. *Sic subscribitur:* Your verie good freind,—A., Cancellarius." Page 226.

Edinburgh, 19th June 1609. Letter from the Earls of Dunfermline and Dunbar to his Majesty, anent the Parliament then sitting in Edinburgh.

"Moist gratious and sacred Soverane:—The Parliament of this your Majesteis kingdome began moist solemnelie the xvii of Junii instant, with the presence of so frequent and famous a nomber of the Nobilitie and Estaitis, and all of thame so devoitlie affectionat in unitie of consent and opinionis to your Majesteis service, as thair is no man levand who did ever sie the lyke in ony tyme bigane. The Lordis of Articlis ar chosin; whose names your Majestie will ressave frome your Majesties Secretarie. Thay will begin this nynetene of Junii to the handling of the effairis of the Parliament; wherin we do expect suche a guid and happy succes in all your Heynes princelie directionis as sall gif unto your Majestie full satisfactioun and contentment. We sall fra tyme to tyme acquent your Majestie with the progres of our proceidingis. And sua, praying Almichtie God to uphald your sacred Majestie and all your royall progenie undir his faderlie and blissit protectioun, we rest for evir your Majesties moist humeble and obedient subjectis and servitouris,—A., Cancellarius, Dumbar." —In connexion with this letter, see *ante*, pp. 304–307, footnote. Page 226.

Greenwich, 27th June 1609. Letter from the King to President Preston and Advocate Hamilton, in the matter of the teinds of

"Trustie and weilbelovit counsellouris, we greete you weele:—Wheras we did formarlie gif commissioun for tryall of the richt, kyndnes, and possessioun acclamed and challangeit by the Laird of Fairnihirst of the teyndis and teindshaveis of the kirkis of Innerlethane and Little Newtoun, and forasmuche as nothing as yitt is done thairin, we haif thairupoun thoght fitt to will you twa to convene togidder, and with all speede Page 230.

yal Letters, 04–1612.

tak cognitioun in that mater and certifie us of the treuth thairof,—that, yf the said Laird of Farnyhirst his informatioun maid of the veritie be trew, we may then tak some suche forder course for assureing unto him the patronage of these kirkis, wherof he and his foirbearis hes bene so auld and kyndlie tennentis and possessouris, as we sall hold fitt and expedyent. And so bidis you fairweele.—To oure trusty and weilbelovit counsellouris, Mr Johnne Prestoun of Pennycooke, President of oure College of Justice, and Sir Thomas Hammiltoun of Bynnie, knicht, our Advocat, in that oure kingdome of Scotland."

the kirks of Innerleithen and Little Newton, claimed by Ker of Fernihirst.

ge 227.

"After oure verie hairtlie commendationis to your good Lordship:—We ar informed of some grite appeirance of trouble and unquietnes lyke to fall out betuix Robert Innes of Innermerkye, Alexander Innes of Kokstoun, and Mr Johnne Innes, his sone, on the ane pairt, and William Innes of Blakhillis, on the uther pairt, anent the bigging of ane mylne or mylne dame upoun the commountie of , the one pairty preissing by force and convocatioun and violence to distroy and cast doun the same, to the grit disturbance of his Majesteis peace and disquieting of that nuke of the cuntrey. And, seing boith thir pairtyis ar your parrochynnairis and nychtbouris, who we doubt not wilbe subject to you in this mater sa fer as may concerne the observatioun of his Majesteis peace, we have thairfore thoght meit to recommend this same mater unto your Lordship, requesting and desyreing your Lordship effectuouslie to call thir pairtyis before you, severalie or togidder as you hold fitest, and tak tryall of the ground and occasioun of the miscontentment and variance standing betuix thame, and, gif by ony possibilitie you may draw thame to conformitie and quietnes, and to submit thameselffis to your censure in the materis questionable betuix thame, that you use all good officeis to that effect, and do quhat in you lyeth to settle thame in peace and quietnes. Bot, gif you can not draw thame to this conformitie, and that thay will continew in thair violent and lawles courseis, than your Lordship sall bind thame to the Kingis peace in suche forme as your Lordship sall find fitest for the quiet of the cuntrey; sua that, all hostilitie and violence being forborne on ather syde, thay may calmelie, in peace and quietnes, follow out thair caussis be the ordinair course of law and justice. And sua, recommending this mater to your cair and diligence, as your Lordship respectis his Majesteis obedyence and service, commitis your Lordship to God. *Sic subscribitur*: your Lordshipis verie good freindis,—Al., Cancellarius, Blantyre, Halyruidhous, Jo. Prestoun, J. Cokburne."

Edinburgh, 13th July 1609. Letter from the Council to the Bishop of Moray, requiring his exertions for stopping a quarrel among the Inneses in his diocese.

ge 227.

"Most gratious and sacred Soverane:—Your Majesteis faithfull and trusty counsellour the Archiebischop of Glasgu having hard of a purpois and motioun intendit by some undirtakaris for a new sett and tak of your Majesties customes upoun a offer of xx^{m} lib. of yeirlie augmentatioun by and attour that whiche is presentlie payit, the said Archibischop communicat that mater unto your Majesteis Exchecquer;

Edinburgh, 20th July 1609. Letter from the Council to his Majesty, concerning a new tack of the customs recommended by the Archbishop of Glasgow.

who did not onlie imbrace the motioun with grite contentment, bot sollicited the accomplisheing thairof by suche meanis and argumentis as micht best encourage the undirtakaris and gif unto thame satisfactioun. Wherupoun thay making thair appeirance befoir your Majesteis Exchecquer, and offerring freelie to undirtak the bargane and to find suirtie for performance thairof for thair pairte, the Exchecquer finding thame to be a company of honnest, famous, and welthy personis, thay haif aggreit and endit with thame, after that the former takkismen wer at lenth hard, and upoun some conditionis had gevin over, renunceit, and quate thair tak. We haif heirwith send up unto your sacred Majestie the new tak, whiche hes bene sene and allowed be your Majesteis Exchecquer, and subscryvit be the Clerk of Register, to the effect your sacred Majestie, by putting your awne hand thairunto, may gif your consent, allowance, and approbatioun to the same. And sua, recommending your sacred Majestie and all your royall progeny to Godis divyne protectioun, we rest, &c.—*Subscribitur*: A., Cancellarius, James Hay." Royal Letters, 1604-1612. Page 228.

Windsor, 22nd July 1609. Letter from his Majesty to the Council, ordering immediate payment to Lord Ochiltree of his charges in his lieutenancy over the Isles.

"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele:—Wheras, by oure directioun and upoun tryale tane be you of the grite chargeis and expenssis of the Lord Uchiltrie in his lait commissioun of lieutennandrie over the Yllis of that kingdome, a certane liquidat soume wes appointed to be gevin to him in recompence of the same, whiche wes to be payit be oure officeris of ressett thair, wherof as yitt he hes had no payment, to his grite hurte and prejudice, being very muche ingaged and addebtit to sindrie creditouris frome whome he did uplift money for the furnissing of his voyage to those Yllis, these ar thairfoir to will and require you, upoun ressett heirof, to gif present warrand, ordour, and directioun for the payment of these soumes to the said Lord Uchiltrie by those officeris who wer appoynted to do the same. And thir presentis salbe unto you warrand sufficient. We bid you fairweele.—To oure richt trustie," &c. Page 234.

Fernem, 27th July 1609. Letter from his Majesty to the Council, anent the Earl of Orkney, whom they have committed to ward.

"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele:—Being adverteist of your committing of the Erll of Orknay in warde within oure Castell of Edinburgh, we ar sorye that one of his place and birth sould haif bene so cairles of his dewytie unto us, and so pityles towards the poore, as thus to haif procured so hard and yitt very just proceding aganis him. And, becaus it hes bene affermed on his behalf unto us heir that he is most willing to gif all dew satisfactioun that can be demandit of him by ony complenaris, as you haif alreddy begun the busynes, so haif we thoght meete to remitt specialie unto you the ordour-taking thairwith, desyring you alwayes to be myndfull to freeth us heirefter of all importuning and exclamationis of these poore people, who by thair frequent petitionis haif so often heirtofoir complened of the wrongis and injurie done unto thame,—that so, by his too spedy libertie Page 235.

Royal Letters, 1604–1612.

befoir redres maid, these poore saullis be not driven to forder extremitie nor miserie. And so we bid you fairweele.—To oure richt trustie," &c.

Page 235.

"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele:—Wheras it hes bene ane ordinarie practise heirtofoir within that kingdome, upoun knowlege of ony feid borne amang partyis, to tak assurance betuix thame, it being a custome of so long continuance as it could not be weele alterit whill the caus and ground of it wer first removed, whiche did move us so eirnistlie and instantlie to insist in the awaytaking of the feidis in that kingdome,—wherof thair is not ony one of moment whiche wes in being two yeiris unreconciled, and, yf ony new grouth be of that weid now since the gairdin wes anes so cleirlie purged by us, you cannot excuse yourselffis of the blame thairof,—so we find the taking of assuranceis to be now so far from the provyding of suirtie of oure peace as by the contrair it doeth retene the memorie of that monster itselff, and makis you by accepting ony suche conditioun to seame to gif allowance thairto. And, in so far as you do bind men frome persewing of utheris utherwayes then be ordour of law and justice till

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ony appointit day, it doeth infer that efter expyring thairof (no band being renewed) thay may saulflie committ wrong by warrant, at least without challenge; so that the suirtie for keeping of oure peace, whiche sould be absolute, is by assuirance defynned within tyme. And, since we hoip none dar be so bauld as to challange ony previlege in thair persone to execute justice forder than proceidis frome oure authoritie, and none so foolishe as will deny to be bundin absolutelie to keepe oure peace, it is thairfoir oure pleasour, will, and command that no temporary assurance be tane frome ony persone heirefter, bot that the course prescryved by oure proclamatioun heirwith sent be verie exactlie and preceislie followed in all generallie, bot speciallie and spedilie in this difference betuix the Lord Torthorwall and Lord Uchiltrie; wherin we haif bene so cairfull at the tyme of the Lord Torthorwallis being heir. We having caused inquirie at him concerning his intentioun in that busynes, his answer wes that thair wes a speciall day appointed by you of oure Counsell betuix and whiche day he behoved ather to persew the Lord Uchiltrie or then to reconcile with him; and he promissed to obey the Counsellis ordinance and to behave himselff deutifullie, without doing onything bot by ordour of law and justice. As lykewayes we, having conferrit with the Lord Douglas in that same mater, were ansuerit by him that in whatevir directioun we sould be pleasit to send doun he for his pairt wald showe himselff ane deutifull and obedyent subject. We haif thairfoir thoght meete that you call the said Lord Torthorwall, the Lord Douglas, as lykewayis the Erll of Mortoun, and all the cheif and principall of the surename and kinred of the said Lord Torthorwall, and will and command thame presentlie to reconcile with the said Lord Uchiltrie: utherwise you shall committ the dissobeyaris prisounaris in some of oure castellis and wairdis, thair to remane untill suche tyme as thay sall gif you satisfactioun

Beulye, 29th July 1609.

Letter from his Majesty to the Council, in the matter of future procedure for stopping deadly feuds, enclosing a proclamation on the subject, and referring particularly to the feud between Lord Torthorwald and Lord Ochiltree.

in this point,—whiche we do not expect thay sall onyway refuse or delay to do. For nouther heirby ar thay stayed frome the ordinair persute and course of law and justice (whiche sall ever be patent to thame), nor yitt the reconciliatioun sall onyway prejudge thair criminall actioun heirefter, whenas upoun forder knowledge and discoverie of the utheris guiltynes thair may be ony goode and sufficient evidences gevin aganis him. And, yf thay sould refuse to reconsile, only upoun thair awne privat presumptioun consavit, and, beiring still grudge, wald thairby be bothe judge and pairty, and in the preissing to tak revenge at thair awne hand wald assome unto thameselffis the hangmanis pairt also, being so far to the ruyne and overthraw of all course of justice, to the contempt and disdayne of oure authoritie, and to the hasaird of the breache of oure peace, we could not heirin bot condemne ourselff yf we sould be cairles in directing the seveir punishment of suche as dar offend in this degree, and must of necessitie heirefter lay the blayme and imputatioun heirof upoun you yf we find ony the least slaknes in the executing these oure commandimentis. And so bid you fairweele." Royal Letters, 1604–1612. Page 237.

Bewlye, 29th July 1609. Letter from his Majesty to the Council, charging them to see to the issue and execution of the royal proclamation anent feuds mentioned in last letter.

"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele:—The report of the new budding oute of this mishevous weid of deidlie feid in that kingdome, whiche we did think wes once cleane up be the roote, movis us to condemne your cairlesnes,—that, having bene eywitnessis of the grite panes takin be us the tyme of oure stay thair, whenas the whole kingdome wes overgrowne heirwith, and some of these feidis of so lang continuance, having takin so deepe rooting as it wes hard to remove thame, yitt befoir oure depairture frome thense most of thame wer reconciled, except some few, impedit by minoritie of the pairtyis, yitt since endit upoun our directionis sent thither. And, the ground being once cleared, that upoun new occasioun this sould be sufferrit to tak roote cannot bot very muche offend us, since non can complene that the law is not maid patent, or that justice hes not the dew course aganis the guyltie, as we on the uther pairt must in our princelie dewytie protect the innocent. And thairfoir, having sent heirwith unto you a proclamatioun to be publist, we gif you a strict charge and command to see the same deulie executed, bot in speciall in removing of these feidis caryed be the Lord Torthorwall and his freindis aganis the Lord Uchiltrie, the Erll of Craufurde aganis the Laird of Edzell, eldair, and by the Lord Forbes and surename of Forbes aganis the Laird of Drum. Wherin, yf we do find a continuance of these or the incresce of ony new, we resolve heirefter to blayme nane utheris bot you for the same, since you haif authoritie and power in your handis to committ dissobeyaris, and to do every thing els that is requisite and expedient for setling and keeping of oure peace thair. Willing you thairfoir to be cairfull heirof, as you wald eshew our just reprooffe, we bid you fairweele."—See *ante*, pp. 343–344. Page 237.

Edinburgh, 29th July 1609.

"Most gratious and sacred Soverane:—Having ressaved directioun frome your sacred Majestie to trye the richt, kyndnes, and possessioun acclamed Page 230.

yal Letters, 14-1612.

be the Laird of Farnihirst to the teyndis and teyndshaves of the kirkis of Innerlethane and Litill Newtoun, we, according to oure humble dewyteis to obey your sacred Majestie in all your princelie commandimentis, haif convenit and mett upoun that mater; and, eftir exact tryale and examinatioun of the treuth thairof, we do find that the Laird of Fairnihirst and his predicessouris, past memoir of man, hes bene kyndlie tennentis and

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possessouris of the saidis teyndis, as dois evidentlie appeir be his productioun to us of the progres of his foirbearis in all tyme bigane sen the yeir of God 1529 yeiris to this present tyme. And sua, praying God to preserve your Majestie and all your royall progenye in perfyte helth and felicitie, we rest for ever.—*Sic subscribitur:* Jo. Prestoun, Sir T. Hammiltoun."

Letter from the Council to his Majesty, anent the teinds of the kirks of Innerlethen and Little Newton claimed by Ker of Fernihirst.

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"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele:—Upoun sute maid unto us for a graunt of all mynes of alloim within that our kingdome to Sir David Foullis, knyght, gentilman of the Prince, our darrest sone, his bedchalmer, we, considering the benefeit whiche wald aryse thairby to the whole kingdome by being furnissed

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within thameselffis, and also heirby maid able to send oute grite quantitie of the same to foreyne pairtis, wherby not onlie all that whiche heirtofoir hes beene gevin oute for the same in other cuntreyis myght be saved, bot also by the exporting thairof thair mycht be returned for the same bak agane bothe treasour and commodityis, haif thairupoun yealdit thairto, and have signed the grant of the same, holding it fitt heirby also to recommend it to your furtherance, to the effect that, upoun your expeiding of the graunt, workmen may be sett on worke for gaynning of that whiche, now serving to no use at all, bot hid within the bowellis of the earth, may try so beneficiall bothe to us and that whole Estate. And so we bid you fairweele."

Bewlye, 7th August 1609.

Letter from his Majesty to the Council, anent a grant of all mines of alum in Scotland to Sir David Foullis.

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"Most gratious Soverane:—The Lord of Scone, your Majesteis lait Comptroller, compeirand this day before us, complenit of ane havie sclander and imputatioun whiche he undirlyis by a reporte maid to your sacred Majestie that he in the tyme of his comptrollerie, upoun some privat conditioun and pactioun betuix him and the customairis, had defraudit your Majestie yeirlie of the soume of fyve thousand merkis; whereof he humelie craved that he mycht be tryit. We, haveing hard him in this mater, convenit before us some speciallis of the customairis, and straitlie examinat thame upoun the treuth of that conditioun past betuix the Lord of Scone and thame; who, upoun thair grite oaithis, declairit that, quhen thay maid sute for the last tak of the customes, thay delt and travellit with the Lord of Scone to be thair freind, and offerit unto him ane thousand crownis yeirlie to purches unto thame ane new tak for payment of the auld dewtie, and that he, by [*i.e.* without] thair knawlege or consent, eikit this thousand crownis, whiche they had destinat unto himselff, unto the dewtie of your Majesteis tak, and that thair wes no uther promeis, bargane,

Edinburgh, 11th August 1609

Letter from the Council to his Majesty, anent a charge against Lord Scone of appropriating money out of the customs to his own profit during his late comptrollership.

nor conditioun betuix thame the tyme of thair purchessing of the said tak, and that, some sax oulkis thairefter, thay, for encurageing of him to be thair freind and to stand be thame in cais thair tak wer querrellit, offerit unto him to mak him a partyner with thame in thair advantage, and that thay aggreit amangis thameselffis to gif him thrie portionis, and that his pairt of the advantage with allowance of thrie portionis, extending yeirlie to fyve thousand merkis or thairabout, which sowme thay affirmed that thay had payit purpoislie to caus thir new undirtakeris pay the same unto your Majestie. That is all that we have tryit in this mater; whiche we remit unto your Majesties princelie censure, Sua, recommending your sacred Majestie and all your royall progenie unto Godis protectioun, we rest for evir.—*Sic subscribitur:* A., Cancellarius, Dumbar, Glasgow, Wigtoun, Ja. Bishop of Orknay, Blantyre, Halyruidhouse, Sir T. Hammiltoun, Clericus Registri, James Hay." Royal Letters, 1604–1612.

Salisbury, 20th August 1609. Letter from his Majesty [to Chancellor Dunfermline], nominating Sir Andrew Hamilton to be of the Council,

"Richt trustie and weilbelovit cosine and counsellour, we greete you weele:—Upoun the prooffe and experience of the mony worthie pairtis of Sir Andro Hammiltoun of Reidhous, knicht, one of the senatouris of our college of justice, and of his grite discretioun uttered and habilitie kythed in the discharge of that place wherof he is alreddy possessit, we ar moved to mak speciall choise of him to be one of oure Prevey Counsell thair; and thairfoir oure pleasour and will is that you tak his oath, ressave and admitt him to that place. For doing wherof these presentis salbe your warraunt. And so bidis you fairweele," Page 241.

Edinburgh, 31st August 1609. Letter from the Council to the commissioners of the West Borders, in favour of John Murray, groom of the bed-chamber, to whom his Majesty has granted the teinds of certain kirks.

"Richt traist freindis, efter oure hartlie commendationis:—The King his most sacred Majestie understanding perfytlie that the teindis of the kirkis of Gratnay, Reidkirk, and Annand hes bene thir divers yeiris bigane intromettit with be divers personis who hes no right nor title thairunto, and who hes caryed no respect nor regaird to the provisioun of the ministrie serving at the saidis kirkis, it hes pleasit his most excellent Majestie, oute of his religious dispositioun, to see the saidis kirkis weele and dewlie providit with competent locall stipendis, and, in regaird of the good service done to his Majestie be Johnne Murray, groome of his Heynes bedchalmer, to dispone the saidis teyndis to him, with provisioun and conditioun that dew provisioun of competent stipendis salbe maid for the saidis kirkis. And, althoucht the personis who upoun thair unlauchfull possessioun pretendeth interes in that mater do certanelie know of the dispositioun maid be his Majestie to the said Johnne, nevirtheles thay, disdaneing to seek the ordinar course and remeid of law, and preferring thair bipast accustomat violent proceidingis to the obedyence of the law, doeth intend the present yeir be convocatioun and oppin force to mell with the saidis teyndis, and to do quhat in thame lyeth to breck his Majesteis peace, and to disquiet that nuk of the cuntrey, whiche now, by the providence of Almyghtie God, is reducit to a setled obedience. In consideratioun wharof, we haif thoght meete to recommend this mater Page 232.

yal Letters, 04–1612.

unto you, requeisting and desyreing you to haif a speciall regaird thairof and of the observatioun of his Majesteis peace by suche good meanes as you sall hald fittest for preventing of all suche disordour and misreule as, upoun pretens of the leding of thir teyndis, may fall oute; quhairthrouch his Majesteis said servitour be no way troublit in his intromissioun with the saidis teyndis utherwise nor be ordiner course of law and justice. Sua we commit you unto God.—*Sic subscribitur:* Al., Cancellarius, Blantyre, Previe Seill, Wintoun, Edzell, Mr Alexander Hay."

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"Most gratious Soverane:—Thair hes bene divers petitionis preferrit unto us by your Majesties servitour Archibald Prymrois, craving that by us your Majestie mycht be acquented that James Clapen, who attendis thair at Courte, hes thir divers yeiris bigane contempnandlie lyne at the horne for non-payment-making to him of a certane soume of money specifeit and contenit in the letters of hoirning usit and execute aganis him, and that he is frustrat of the benefeit of your Majesties lawis by the said James his residence thair at Courte. We, according to your Majesties princelie directioun send unto us, wherby it wes your most gratious will and

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pleasour that notice sould be gevin to your Heynes of all suche personis who, in defraude of thair creditouris, lyis thair at Courte under the proces of hoirning, haif presomed heirby in all reverence to acquent your sacred Majestie with the contempt and rebellioun of the said James, and of his actuall and constant residence and remaning thair at Courte; quhairby your sacred Majestie may caus suche ordour to be tane with him as he may be constrayned to conforme himselff to the obedyence of the law, and to purge himselff of the hoirningis whilkis he undirlyis. And sua, in all humilitie recommending your sacred Majestie unto Godis divyne protectioun, we rest for ever.—*Sic subscribitur:* A., Cancellarius, Blantyr, R. Cokburne."

31st August 1609. Letter from the Council to his Majesty, anent James Clapen, living at Court, though at the horn for debt to Archibald Primrose.

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"Most gratious and sacred Soverane:—This gentilman, quhome your Majestie did honnour to beir a burdyne with us in the credite and chairge of your Majesteis effairis and service heir, being moved now in this vaccand tyme with a eirnist desyre to kis your sacred handis and to be conforted with the sicht of your royall persone, we could do no les then to accumpany him with this oure testimonie that cairfullie and diligentlie, with verie good credite and reputatioun, he hes behaved himselff in all your Majesteis services, omitting no occasioun quhairby he may utter the sinceritie of his affectioun and his willing dispositioun to serve your sacred Majestie and to approve himselff worthy of your Majesteis favour, —wherof we dout not bot tyme will gif proiff unto your Majestie and present the occasioun that your Majestie sall think of him accordinglie. And sua, in all reverence and submissioun recommending him unto your

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gratious and favourable acceptance, we pray Almichtie God to blisse your Majestie with a lang, happie, and prosperous regne. Your Majesteis most humeble and obedient subjectis and servitouris,—A., Cancellarius, Jo. Prestoun."

Edinburgh, 1st September 1609. Letter from the Council to his Majesty, in favour of a gentleman going to Court.

Edinburgh, 14thSeptember 1609.

Letter from the Council to the Earl of Dunbar in regard to his Majesty's grant to Sir David Foullis of the mines of alum in Scotland.

"After oure verie hartlie commendationis to your goode Lordship:—That missive directit from his Majestie unto the Counsell, with the signature past his Majesteis handis in favour of Sir David Foullis anent the mynes of alloime within this kingdome [*ante*, p. 593], wes presentit and red in Counsaill this xiiii of September instant. After consideratioun and examinatioun quhairof, and of the particular headis and articles of the same, it wes thocht be so mony of the Counsell as wer present that the said signature, in the nature as it is consavit, caryed not onlie ane prejudice in showe and example, bot in mater and substance, aganis a grite many of his Majesteis subjectis, als weele merchandis and trafficquaris who hes the libertie and previlege of importatioun and selling of suche commodyteis as aganis heritouris and possessouris of landis within whose boundis ony suche mynes ar to be found and who may challenge and clame the richt thairof to appertyne unto thame. And, becaus this is a mater disputable, whilk will require goode advise and deliberatioun, and tendis to a monopole not frequentlie allowed nor ressavit in this kingdome, the Counsell, being few in nomber by reasoun of the present vacant tyme, hes continewit and remittit that mater to a moir frequent meeting of Counsaill; at whiche tyme the commoditie and inconvenience whiche may aryse upoun that signature being throughlie reasouned and disputed, his Majestie thairefter shall with reasoun ressave answer to his Majesteis satisfactioun. And in this meantyme, yf your Lordship sall heir ony dyn or motioun concerneing this purpois, it will pleis your Lordship to mak his Majestie acquentit with this just and necessar caus of the continewatioun of the same. And sua, recommending your goode Lordship and all your affairis to Godis protectioun, we rest for evir your Lordshipis verie assuired goode freindis,—Al., Cancellarius, Jo. Prestoun." Royal Letters, 1604-1612. Page 238.

Edinburgh, 14thSeptember 1609.

Letter from the Council to his Majesty, complaining of the injustice of a sentence pronounced in the English Admiralty Court in a case of collision betweena Scottish ship and an English.

"Most gratious Soverane:—Thair hes bene ane complaint exhibited unto us be Niniane M°Morane, James Arnot, and some utheris of your Majesteis subjectis, awnairis of the schip callit the James of the Quenisferrie and of the marchandice and goodis being thairintill, complening of ane grite iniquitie commitit aganis thame undir the pretext of justice be the judge of the admiralitie of that your Majesties kingdome and his deputis. Before quhome thay haveing intentit and persewit actioun aganis William King, maister and proprietair of the schip callit the Elizabeth of Newcastell, for the overthrawing and drowneing of thair schip and of the haill merchandice, goodis, and geir being thairintill, and thay, according to the ordour and directioun of that court, haveing deducit and led probatioun in that mater, and haveing cleirlie verifeit and provin thair libell in the haill pointis, tennour, substance, and circumstances of the samyn,—quhairin by perfyte and cleir probatioun and just estimatioun the said schip with hir haill apperrelling and ornamentis, and the mercheandice and goodis being thairintill, wer valued to fyftene hundreth pundis Englische money, as by decrite and sentence of the said admiralitie proporting and beiring the full, cleir, and perfyte verificatioun and probatioun of the said libell and Page 238. Page 239.

Royal Letters, 1604–1612.

the estimatioun and valuatioun of the said schip, goodis, and merchandice, is evident,—the said judge, nochtwithstanding of the said verificatioun, hes, aganis the tennour thairof and estimatioun and valuatioun of the schip and goodis foirsaidis to the said sowme of fyftene hundreth pundis Inglische money, decernit unto your Majesties subjectis the sowme of twa hundreth merkis allanerlie, with reservatioun of the modificatioun of thair chairges and expenssis, whilk surmonteth the availl of thair schip and goodis, unto himselff or some uther judge in the lyke cais. By the quhilk sentence the ordinair course of justice is verie fer abused and wreasted, and your Majesteis saidis subjectis havelie prejudgeit. Wherof, at the humble requeist of your Majesteis saidis subjectis, we have presomed in all reverence to mak your Majestie acquented; wherthrough your Majestie, in your princelie wisdome, may gif suche ordour and directioun in this mater as the iniquitie of this sentence may be repairit and your Majesteis subjectis restorit to the full benefite of your Majesteis lawis. Sua, craveing pardoun of your sacred Majestie for this oure presumptioun, and humblie beseiking God to blisse your Majestie with a long, happie, and prosperous reigne, we rest for evir your Majesteis most humble and obedient subjectis and servitouris,—*Sic subscribitur:* Al., Cancellarius, Glasgow, Jo. Prestoun, Blantyre."

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"Richt trustie and richt weilbelovit cosines and counsellouris, we greete you weele:—Wheras the bipast custome of making choise of erllis, lordis, and baronis to be provestis of burrowis and cityis in that oure kingdome (being of the selff very unfitt and undecent as making a confusioun of Esteatis of Parliament, and being muche prejudiciall to the burrowis in haveing for thair cheif magistrate ane of that qualitie, who rather maid use of thame for his awne privat eirand then onyway intendit thair publict goode) is now by the last sessioun of Parliament keept in that oure kingdome utterlie condamned, abrogated, and prohibited, and the electioun of the provestis and all magistratis within burrowis is appointed to be of burgessis and citizenis trafficquing and inhabiting within the same [1609, c. 15, iv. p. 435]; and becaus the not dew obedyence of this statute at the ordinarie tyme of the electioun of magistratis, which in this burgh is now very neir approcheing, myght justlie wrong the goode intentioun of the Esteatis in thair reformatioun of the bipast abuse: we ar so muche the moir cairfull to see it putt to a spedy executioun, and thairfoir oure pleasour and will is that, upoun ressett heirof, you sall presentlie by your missive letters certifie all the burrowis and cityis of that oure kingdome that, according to the preceis ordour appointit by statute of Parliament, thay proceid in the electioun of thair magistratis. And, wheras you may distruist the force of your missive, you sall adjoyne thairwith summar chargeis of hoirning for the same effect. And, willing you to certifie us particularlie of the obedyence gevin by everye burgh heirunto, as also of the strict course and ordour tane by you in punisheing of dissobeyaris, whiche salbe unto us most acceptable, we bid you fairweele."

Theobalds, 18th Septembe 1609. Letter from his Majesty to the Council, ordering their attention to the execution of the Act of the last Parliament anent the election of magistrates of burghs.

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Edinburgh, 28th September 1609.

Letter from the Privy Council to the Deputy and Council of Ireland, in favour of Alexander Douglas and his lawplea in Ireland.

"After oure very humble commendationis to your goode Lordshipis:—The beirar heirof, Alexander Douglas, lauchfull bruther and air of umquhile Johnne Douglas of Howden, being to repair to that cuntrey for recoverie by the ordinarie course of law and justice of the possessionis and goodis of his deceissit bruther, who with goode credite and reputatioun served the lait Quene of famous memorie in hir wearis in Yrland, maid some conqueis of landis and goodis thair, and depairtit this lyffe without ony lauchfull issue of his body now on lyne to succeid unto him, he hes requirit of us our letter and recommendatioun unto your goode Lordshipis, that it may pleis your Lordshipis to grant unto him summar, favourable, and reddy justice. We, considdering his reasounable requeist, haif thoght meete to accompany him with this oure letter, desiring your Lordshipis effectuuslie to haif a favourable consideratioun of him, and to grant unto him suche spedy furtherance and expeditioun in his sute without unnecessarie proces of law and with suche equitie of justice as is aggreable to your Lordshipis honnour, and to law, reasoun, and custome of the cuntrey, as we salbe willing and reddy to showe the lyke furtherance to ony of the subjectis of that cuntrey who salbe recommendit be your Lordshipis unto us. And sua, recommending your goode Lordshipis unto Godis divyne protectioun, we rest your Lordshipis very assuired goode freindis,—A., Cancellarius, Glasgu, Lynlythqu, Perth, Lotheane, Sanquhair, Torphechin, R, Cokburne, Jo. Prestoun." Royal Letters, 1604–1612. Page 241. Page 242.

Edinburgh, 28th September 1609.

Letter from the Council to his Majesty, recommending the Bishop of the Isles, who has returned from service there.

"Most gratious and sacred Soverane:—This beirair, the Bischop of the Yllis, returning laitlie frome the Yllis, quhair he careyed himselff with goode credite and reputatioun, he maid his appeirance befoir your Majesteis Counsell this present day, and presentit unto thame a repoirt of his diligence and procedingis in the executioun of your Majesteis service in the Yllis; the particularis wherof in every circomestance he will amplie relait unto your sacred Majestie. And sua, recommending him unto your Majesteis gratious and favourable acceptance, we pray God to blisse your Majestie with a lang, happy, and prosperous regnne." Page 242.

Hampton Court, 30th September 1609.

Letter from his Majesty to the Council, in favour of Scott of Tushielaw, threatened by Scott of Thirlestane.

"Richt trustie and richt weilbelovit cousingis and counsellouris, we greit you weill:—Wharas it haeth bene muche complayned unto us by Walter Scot of Tuschelaw that Sir Robert Scott of Thirlestane, knycht, his freindis and servandis, do intend, by all ordour of law and justice, to invade and persew him of his lyff, he offerring himselff willinglie to all dew triall for clering of quhatsomevir offens can be layd to his charge: and since we hoip all deidlie feidis be suppressit within that kingdome and that nane quhatsoevir of oure subjectis dar allow the same: we ar to desyre you to call the said Sir Robert Scott of Thirlestane befoir you, and to caus him find sufficient suritie for himselff and all utheris for whom the leawe can ony way mak him answerable, that he sall not molest, trouble, invade, nor persew the said Walter Scot of Tushelaw, his children, men, tennentis, and servandis, utherwise nor be ordour of law and justice, under great Page 273.

Royal Letters, 1604–1612. Page 274.

sowmes, that so our peace may be providit for, and that privat partyis may be stayit from taking revenge at thair awne handis upoun thair consavit malice, haveing no ground, wharas thay salbe sure to haif the law patent to thame whensoevir thay sall in dew and lawfull forme persew ony party whatsoevir. And so, remitting this mater to your consideratioun and caire, we bid you fairweill."

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" Richt trustie and weilbelovit cosines and counsellouris, we greete you weele :—Understanding of the evill constitutioun in helth and seiknes in body of the late Lord of Balmerinoch, by reasoun of his detentioun and close keeping within oure pallice of Falkland and in the foir toure thairof, and humble sute for this caus being maid unto us for his enlargement in some soirt, we haif bene pleasit to grant oure licence for his libertie and fredome within oure said pallice and a myle in circuite round aboute the same, upoun conditioun alwayes that he do not transcend the boundis prefixt, and that he find sufficient responsaill landit gentilmen actit in your bookis as cautionaris and souirteis for his performance of the said conditioun, under the pane of xl^{m} lib. usuall Scottis money. For the whiche caus we haif thoght meete to will you to direct to the said courte of Falkland, quhair his present place and residence of abode is, your Clerk of Counsell with the licence heirwith sent, commanding your said Clerk to ressave the foirsaid act of cautioun of sufficient landit men boundin under the soume above specifeit for performeing of the conditioun abonewrittin of his contening himselff and not extending the boundis of his confyneing. And heirupoun the said Clerk is to delyver unto him the foirsaid licence, to be his warrand of this his enlargement. And so we bid you fairwele."

Royston, 1st October 1609. Letter from his Majesty to the Council, giving license for a measure of liberty to Lord Balmerinoch, close prisoner in Falkland Palace.

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" Richt trustie and weilbelovit cosines and counsellouris, we greete you weele :—Having verie liberallie contributed of oure previe cofferis to the building of the Bridge of Perth, and undirstanding that mony of oure subjectis, being nichtbouris to the same, do alsua intend to help and advance the worke by thair cheritable supplee, we wald be sorie that the soumes destinat to suche a honnourable, necessarie, and proffitable intent, sould not be bestowed to that same end for the whiche it wes appoynted, or that ony pairt thairof, for laik and want of dew comptrolling, sould be spent and consumed in other uses. For whiche caus we haif thoght meete to will you to giff speciall commissioun to Alexander, Bischop of Dunkeld, George, Bischope of Dunblayne, David, Lord of Scone, Sir George Haliburtoun of Pitcur, George Auchinleck of Balmanno, Petir Hay of Leyis, Petir Hay of Kirkland, Murray of Tibbermure, or any fyve of thame, the saidis Bischop of Dunkeld and Lord of Scone being alwayes two, to examine, try, and tak inquisitioun how and in what soirt the moneyis granted, ather by oure gift or benevolence of otheris, to the furthering of that worke of building of the said bridge ar imployed, and to caus exact comptis to be maid thairof; and thay to be auditouris to the

Hampton Court, 3rd October 1609. Letter from his Majesty to the Council, appointing commissioners to supervise the expenditure for building the Bridge of Perth.

same, and, as thay shall find ather ane unnecessary debursement or wrong imployment of that money to other useis, that thay do signifie the same unto you, that so we, being certifyed thairof, may discharge suche evill steuartis, and appoint suche otheris to haif cair of the worke as shall haif conscience in dischargeing of thair dewytie thairin. And so bidis you fairweele." Royal Letters, 1604–1612.

Royston, 8th October 1609. Letter from his Majesty to five of the Privy Council, appointing them to be commissioners for seeing that the benefices of the Bishops be not dilapidated.

"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele:—Oure grite desyre to restoir the utterlie suppresst estate of bischoppis within that oure kingdome, being not onlie weele knowne to all our subjectis bot maid notour to mony abroade in foreyne pairtis, moveis us so muche the moir to be cairfull that this oure worke, so necessarie and proffitable for a goode ordour in that Churche, and so expedient in the Commounwelth, being now broght by us to suche a reasounable perfectioun, may not be crossit by the dilapidationis of these who ar in present title of these prelacyis by thair so hurting the estate of the same as that thair successouris sall want mantenance to beir oute thair rank, and so through povirtie forceit to relinquishe it. And, as it is not unknowne to you how chargeable it hes bene unto us to acquire unto thame some remaynis bothe of jurisdictioun and rent dew unto thame frome suche as had purchessit rychtis of the same, by paying very grite soumes oute of oure awne cofferris thairfoir, we ar so muche the rather induceit to carye a watchefull eye in this busynes, that we be not every uther yeare enforced to repair the estate whiche may be by thame undeutifullie dilapidat. And, albeit we will hardlie beleve that thair is ony suche amang thame, yitt, for oure awne forder satisfactioun and a gritter assuirance heirefter, and preventioun of ony suche harme to be done, we haif maid speciall choise of you to be oure commissionaris heirin, willing you to appoint fitt tymes and placeis for your convening, and at severall dyetis to call the bischopis apairt befoir you, having by your letters certifyed thame of the caus of thair sending for, to the effect thay may come the better prepairit to gif unto you particulair satisfactioun in whatsoevir salbe of thame demandit. And, having ressavit frome thame a particulair note of the present estate of thair beneficeis, whiche you shall caus recoird in a booke to be heirefter furthcomeand, you sall demand also frome every one of thame a catologue of all deidis done by thame since thair entrie to thair prelacyis, ather in disposing of landis, kirkis, or teyndis, in alteratioun of holdingis, in conversioun of dewyteis, in approving defective titlis, or in ony thing els quhairby thay for some present gayne haif hurte thair seatis and successouris of some yeirlie accrescence in rent, impedit onlie thus by thair new dispositioun or then confirmatioun of ane invalide right. And you, having tane a particulair inquisitioun thairin, shall thairupoun certifie us of the estate of ilk bischoprik thair, to the effect we may considder thairof, gif ordour for amending what is amise, and advise upoun the best meanis to prevent futur harme in this caice. Wherin you shall do us acceptable service. And so biddis you fairweele.—To oure trustie and weilbelovit Page 244. Page 245.

Royal Letters, 1604–1612.

counsellouris, the Lord Scone, the Lord Haliruidhous, Mr Johnne Prestoun of Pennycooke, president of oure college of justice, Sir Johnne Skene of Curryhill, knyght, Clerk of oure Register, and Sir Johnne Cokburne of Ormestoun, knycht, justice clerk."

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"After oure verie hairtlie commendationis to your goode Lordships:—As the Kingis Majestie hes bene cairfull to restoir the suppressit estate of bischoppis in this kingdome by paying of verie grite soumes oute of his awne coffers for acquiring some remaynis bothe of jurisdictioun and rent dew unto thame, so his Majestie is moved so muche the more to haif ane watchfull eye and speciall regaird that this so chargeable a worke to his Majestie, and whiche is so necessair and proffitable for a goode and comelie ordour in the Kirk and so expedient in the Commounweele, be not crossit by the undeutifull dilapidationis of those who ar in present title of those beneficeis, sua that the successouris of the present titularis, throw want of mantenance to beir oute thair rank, be not forceit to relinquishe thair charge, and his Majestie thairby enforceit everie other yeare to repair thair estate. It hes pleasit his Majestie, for preventing of suche inconvenientis, to gif commissioun and speciall directioun unto us, and some otheris of his Majesteis Counsell, to tak particulair notice of the estate of everie bischoprik within this realme, and of the particulair deidis done be everie bischop sen thair entrie to thair prelacyis, as in his Majesteis commissioun sent unto us thairanent mair fullie is contenit. And thairfoir these ar to requeist and desire your Lordshipis effectuuslie that you faill not, all excuissis sett asyde, to addresse yourselff heir to Edinburgh upoun the thrid day of November nixt to come, and to bring with you the register and trew autentik rentaill of your benefice, with a perfyte, ample, and cleir role and catologue of all and everie deid done be your Lordship since your entrie to that benefice, ather in disposing of landis, kirkis, or teyndis, in alteratioun of haldingis, in conversioun of dewyteis, in approveing defective titlis, or in ony uther thing els concerning the estate of that benefice; wherby we may mak his Majestie acquentit thairwith, to the effect his Majestie in his faderlie cair over the Kirk may advise upoun the best meanis to prevent all future harme in this caise. And sua, looking for your preceis keiping of this dyett provydit in maner foirsaid, as you respect his Majesteis obedyence, committis you to God.—Jo. Prestoun, Sir Johnne Skene.—The Bischoppis of Sanctandrois, Glasgu, Ros, Orknay, and Galloway, writtin for to the thrid of November. The Bischoppis of Dunkeld, Dunblane, Brechin, and Caithnes, writtin for to the sixt of November. The Bischopis of Ergyll, Abirdeyne, and Murray, writtin for to the aucht of November."

Edinburgh, 20th October 1609. Letter to the several Bishops from the committee of Councillors appointed in his Majesty's last letter for the prevention of dilapidation of the Bishoprics.

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"Richt trustie and weilbelovit cosines and counsellouris, we greete you wele:—Undirstanding that one Maister Johnne Fairfoull, minister at Dunfermelyne, hes be the space of those sex monethis and abone bene commounlie accustomat to mak mentioun in his prayer efter sermone of

Royston, 23rd October 1609. Letter from his Majesty to the Council, directing proceedings.

to be taken against Mr John Fairfoull, minister at Dunfermline, for praying for the restoration of the banished ministers.

the brethrene, alsweill within as without the cuntrey, that thay may be restoirit and broght home agane to thair awne placeis and functionis, we can not bot muche admire how he durst haif presomed to utter, or that ony of oure goode subjectis could be patient to heir, ony suche undeutifull speecheis delyverit be him, to the cleiring of those who, being convict of heich treasoun, wer not the les (in oure mercy with a grite mitigatioun of the dew and just punishement) onlie banissed; wherby he wald by inference accuse us of persequutioun, condemne the judicatorye thair of wrangous and unjust proceding, and foster and manteyne the seid of all schisme and disordour within the Churche. Whose offence is no whitt inferior (yf not griter) then that committed by those alreddy banissit; and thairfoir, to the example of all utheris, he aucht the rather to be punissit with rigour,—that, as the lenitie used with these utheris hes perhappis emboldenit him to offend, so the just and dew proceding without mitigatioun aganis him may affray all utheris and move thame to be wary heirefter. And, having willed the Archiebischop of Sanctandrois, his ordinarye (who by his place sould bothe have adverted and craved your concurrence for punissing of the offence), with whome we haif adjonit the Lord of Scone for examining of that mater, to gif unto you speciall informatioun how you shall proceid in this tryall, and no way doubting of your cairfulnes heirin, we bid you fairweele." Royal Letters, 1604–1612.

Theobalds, 28th October 1609.

Letter from his Majesty to the Council, commanding John Stewart to be triedformurder and other crimes.

"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele:—Wheras we undirstand that Johnne Steuart, son of the late James, Lord of Downe, is now prisonner, having bene outlaw and fugitive for slaughter, murthour, and some other vyld crymes worthie of most seveir punishement, and the rather of him in regaird of his birth, to the effect thairfoir that bothe the land may be purged of those vyld factis be him committit, and his kinred no langer dishonnourit by his remaning on lyffe, oure pleasour is that, upoun ressett heirof, you gif present ordour for putting of the said Johnne to the tryale of ane assise for these crymes committit by him, and, upoun his convictioun, for inflicting of that punishement which the law in the lyke caise appointis. For doing wherof thir presentis salbe your warraunt. And sua biddis you fairweele." Page 248. Page 249.

Theobalds, 28th October 1609.

Letter from his Majesty to the Council, ordering Robert Johnstone to be tried by assize for bearing fire-arms and for other offences.

"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele:—Wheras we undirstand that one Robert Johnnestoun is now prisonner within the tolbuith of Edinburgh, being culpable and gilty of the weiring of hagbutis and pistollettis, and als of perjurie in having denyit the same be his oathe, albeit afterwardis cleirlie provin aganis him; and being informed of the bad nature and dispositioun of the said Robert, having behaved himselff verie insolentlie in all his actionis, so that he is a very fitt subject upoun whome examplair punishement sould be inflicted, to the terrour of all utheris to offend in the lyke soirt: it is thairfoir our pleasour and will that you gif speciall directioun and command to the justice and his deputyis to hald courte, and to putt him, upoun these Page 249.

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offenssis, to the tryale of ane assise according to the verificatioun and depositionis alreddy maid in that mater, and gif oute judgement and dome aganis him, upoun his convictioun of beiring and weiring of the saidis pistollettis, that his richt hand salbe struckin af, according to the tennoure of the statute of Parliament maid in that caice; whiche you shall caus be executed. For doing whairof these presents salbe your warrand. And so bidis you fairweele."

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"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele:—Having now found, by the peruseing of this late proces deduceit befoir you concerning the complayntis maid aganis the Erll of Orknay, that thair hes bene too just caus for you to haif committed him cloise prisonner, so, being cairfull that indureing the tyme of this his detentioun some course may be takin for setling and keeping of oure peace in these cuntreyis of Orknay and Zetland, we, being heirwith informed that the personis undirnamed, now the tyme of the said Erllis absence, dois continew all soirt of oppressioun upoun the poore people in that cuntrey, haif thairfoir thoght meete to will you upoun ressett heirof to direct chargeis commanding Mr James Steuart, bruther germane to the said Erll, Eduard Scola, schiref depute within Orknay and Zetland, Henry Blak, capitane of Kirkwall castell, David King, ane other schiref depute, Thomas Sinclair, and James Craufurde, to appeare befoir you to answer suche complayntis as salbe maid aganis thame, and to ressave directioun frome you concerning thair cariage heirefter. And heirwith you ar to ressave a speciall warrand direct to the capitane and constable of Edinburgh castell for the more close keeping of the said Erll; whiche you sall caus be cairfullie delyverit. And so bidis you fairweele."

Theobalds, 28th October 1609. Letter from his Majesty to the Council, as to oppressions in Orkney, with order to bring some of the Earl of Orkney's officers there to account.

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"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele:—Wheras we haif signed these twa commissionis heirwith send for Orknay and Zetland, direct to some gentilmen in that cuntrey for the keeping of peace and quietnes in these boundis untill suche tyme as we sould signifie oure forder pleasour thairanent, it being informed that those insert in the commissionis wer the most fitt men to be imployed for this use, alwayes we ar to will you to considder of the whole commissioun, and, yf you think it expedient ather to alter personis or substance or to eik or impair the same, that you then will caus draw up the commissionis in some suche soirt as in your judgement salbe fittest, and direct the same hither, that thay may be returned under our hand. Bot, yf you do allow of these now sent, and think that these will serve for the present tyme, you sall then expeid, pas, and authorise thame by chargeis, letters, and proclamationis or any thing els whiche may procure all dew obedyence to the same. And so we bid you fairwele."

Theobalds, 28th October 1609. Letter from his Majesty to the Council, with two commissions for Orkney and Shetland.

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"After oure verie hairtlie commendationis to your goode Lordship:—It hes pleasit the Kingis Majestie to send doun ane commissioun and speciall

Edinburgh, 3rd November 1609.

Letter from three of the Councillors to Lord Scone, in the matter of the commission on the estates of Bishops,

directioun unto your Lordshipis and us, and to some utheris of his Majesteis Counsell, to call the haill bischoppis of this kingdome befoir us and to tak tryale and notice of the present estate of thair bischoprikis, and of the estate wherin thay find the same, and of the particulair deidis done be every one of thame sen thair entrie to thair prelacyis, as in his Majesteis commissioun and directioun send unto us at lenth is contenit [*ante*, p. 600]. For executioun wherof we haif appointit ane meeting to be heir at Edinburgh upoun the aucht day of November instant. And, becaus your Lordshipis presence, concurrence, and assistance with us in this actioun is requisite and necessair, these ar to requeist and desire your Lordship effectuuslie to be present with us heir the said day, wherthrouch we may begin to this werk and proceid thairin accordinglie. And sua, recommending your Lordship to Godis protectioun, we rest your Lordshipis very goode freindis,—Jo. Prestoun, Haliruidhous, Clericus Registri." Royal Letters, 1604–1612. Page 248.

Edinburgh, 8th November 1609.

Letter from the Council to the Bailie-depute and Clerk of the regality of Dunfermline, for the production of documents required for the trial of John Stewart.

"Traist freindis, efter our hairtlie commendationis:—The Kingis Majestie, upoun informatioun maid to his Heynes of the mony enormiteis and insolenceyis committit be Johnne Steuart, bruther of the Lord of Sanctcolme, who is now prisonner within the tolbuith of Edinburgh, hes gevin speciall directioun that he salbe putt to the knowlege of ane assise for the crymes and offenssis committit be him, and that justice salbe ministrat upoun him conforme to the lawis of this realme [*ante*, p. 602]. And, undirstanding that some examinatioun hes bene had befoir you anent the cariage and behaviour of the said Johnne, and particulair insolenceyis fra tyme to tyme committit be him, wherof some recordis and depositionis ar extant in your handis, whilkis wilbe a grite furtherance to his tryale and will gif a cleir lyght and informatioun to the assise,—these ar thairfoir to requeist and desire you to present and exhibite heir befoir his Majesteis Counsall, upoun Twysday nixt the xiiii day of Aprile [? November] instant, all suche depositionis and informationis as you haif concerning the said Johnne, as you respect his Majesteis obedyence and service and will answer upoun the contrarie upoun the dewytie of your office. Sua, recommending you to Godis protectioun, we bid you fairweele. Your very goode freindis,—Jo. Prestoun, R. Cokburne, Clericus Registri, P. Rollok, Quhittinghame, L. Craig." Page 248.

Whitehall, 10th November 1609.

Letter from the King to the Chancellor and three others, ordering them to investigate and report on certain privileges claimed by the Archbishop of St Andrews by right of gift to

"Richt trustie and weilbelovit cosine and counsellouris, we greete you weele:—Undirstanding of some previledgeis pretendit by the Archiebischop of Sanctandrois upoun some auld grant maid to that see by some of oure predicessouris in tyme of blindnes and superstitioun, and that he thairupoun hath maid a cocquett of his awne, and hes challanged the customes of oure citie of Sanctandrois to belong unto him, as alsua the gift of bastardyis and mony uther thingis meir royall, quhilkis ar unseparable frome the crowne; howevir we haif bene cairfull to revive that mortifyed clergy of that kingdome and to establishe the estate of bischoppis, once almaist utterlie supprest by the unpure pairty in that Page 255.

Royal Letters, 1604–1612.

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that Archbishopric by his Majesty's predecessors.

Churche, yitt wes it never our intentioun to communicat with thame ony pairt of oure royall pouer, prerogative, or previledge, and we do think assuiredlie that thay of all uthiris sould least intend it. Thairfoir you ar by your prevey letter to will the said Archiebischop to appeir befoir you and to bring with him quhatsomevir grantis of previlegeis hes bene formarlie maid by ony of oure predicessouris unto that see; and you ar to mak a particulair abstract of the same, and thairwith to considder whiche of thame ar onlie proper and pertinent to the crowne, and yf ony of thame otherwayes without oure grite prejudice may be still reteyned by that see, and to acquent us of your particulair advise thairin, to the effect we may thairupoun tak suche ordour as that all impertinent pretenssis to be maid heirafter by ony archiebischop of that see may be fullie stopped and removed. And so bidis you fairweele.—To oure richt trustie and richt weilbelovit cosine and counsellour, the Erll of Dunfermlyne, Chancellour, and to oure trustye and weilbelovit counsellouris, Mr Johnne Prestoun of Pennycooke, president of oure college of justice, Sir Thomas Hammiltoun of Bynnie, knycht, oure Advocat, and Sir Johnne Skene of Curriehill, oure Clerk of Register."

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Whitehall, 10th November 1609.

Letter from the King to the Council, to acquit John Baillie of the charge brought against him on information from George Sprott.

"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele:—Wheras Johnne Baillie, upoun some depositioun maid aganis him by umquhile George Sprott, wes for some tyme at commandment and thairefter wes relevit upoun suirtie for his appeirance, under the pane of ten thousand pundis Scottis money,—whiche act of cautioun doeth yitt stand undischargeit, nochtwithstanding that we rest now fullie persuadit that thair wes no just caus of imputatioun of that whiche wes then informed aganis the said Johnne,—we ar thairfoir to will and desyre you to discharge the said act, and to gif ordour for deleiting of the same furth of your bookis, that so it may haif no forder force in tyme heirefter, as yf the same had never bene takin. For doing wherof thir presentis salbe your warrand. And so we bid you fairweele.—To oure richt trustie and weilbelovit cosines and counsellouris, the Erll of Dunfermlyne, oure Chancellour, and remanent Lordis and utheris of oure Prevey Counsell of Scotland."

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Whitehall, 10th November 1609.

Letter from the King to the Council, ordering a change of device in the irons used for striking the coinage.

"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele:—It is oure pleasour, will, and expres command that, upoun sight heirof, you immediatlie gif ordour that the irnis of oure minthouse for imprenting of oure coyne of gold or silver contening oure whole armes salbe heirefter ingravin in the same very forme of oure grite scill of that oure kingdome, so that the armes of Scotland shall contene tua severall quarteris of the same coate, without ony alteratioun, bot keeping still that same weyght, fynnes, and proportioun whiche haif bene formarlie used. For doing wherof these presentis salbe unto you sufficient warrant in that behalff. And so biddis you fairweele.—To oure richt trustie and weilbelovit cosines and counsellouris, the Erll of Dunfermelyne, Chanceller, and

remanent Lordis and utheris of oure Prevey Counsaill of oure kingdome of Scotland." Royal Letters, 1604–1612.

Whitehall, 10th November 1609. Letter from his Majesty to the Council, anent certificates of uncustomed goods exported or imported.

"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele:—Forasmuche as we haif bene pleasit (for removing of all markis and notis of separatioun betuix these oure tuo most antient kingdomes, formarlie distinct in severall monarchyis, and now by Godis providence and our just rycht unite in our persone) to discharge the uplifting of all customes for ony native commodityis, ather exported or imported to either kingdome, and becaus thair sould no prejudice be done to oure dew customes, and that those who did cary away suche uncustomat goodis, upoun informatioun that thay wer to be transported to some pairt of oure dominionis to the use of oure awne subjectis, sould not, upoun desyre of filthy lucre and gayne (most frequentlie the inseparable accidentis of a trafficquing marcheant), cary these goodis to foreyne pairtis and so defraude us of our dew custome: thairfoir, by the commissionaris of bothe kingdomes in the Treaty of the Unioun, it wes thoght expedyent that all suche who did cary away ony suche uncustomat goodis sould be bundin to returne certificatis of thair landing of these goodis in some pairtis of oure saidis dominionis. Whiche by mony of that kingdom is neglectit; and, yf ony do returne testificates, the same ar informall, bothe in forme and mater, being writtin on paper wanting a seale and not contening the quantitie of the goodis landit. You ar thairfoir by proclamatioun to warne all oure subjectis of that oure kingdome who sall sett doun bandis for returning of certificatis that thay noway foirfeyte the same, assureing thame that these foirfeitis salbe upliftit with all rigour; and lykewayes to gif command to the customaris and all thair under officeris who ar to draw up these certificatis that thay be writtin in parchement and subscryved and sealled by the ordinair officiar who salbe appointit thairto, and that thay conteyne ane particulair enumeratioun of all soirt of goodis imported, and not to be generallie consavit, as some of thame whiche haif bene broght hither. Willing you to be cairfull in this oure directioun, according as you will know oure forder pleasour heirin by oure right trustie cosine, the Erll of Dunfermelyne, Chancellour, we bid you fairweele.—To oure richt trustie and weilbeloved cosines and counsellouris, the Erll of Dunfermlyne, oure Chancellour, and remanent Lordis and utheris of oure Prevey Counsell of Scotland." Page 254. Page 255.

Whitehall, 11th November 1609. Letter from his Majesty to the Council in favour of a poor widow claiming payment of an old debt due to her husband by the Queen.

"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele:—Wheras petitioun is preferrit unto us by one Jonnett Birs, the relict of umquhile Peter Ronnald, sometyme tailliour to the Quene, oure darrest bedfellow, for payment of the soume of threttene hundreth pundis addebtit to hir umquhile husband, conforme to a precept directit to the Comptrollair of oure rentis of that kingdome for the tyme being for payment of that soume to the relict: as we wald be loathe that the poore woman sould be defraudit of ony just debt deulie addebtit to hir Page 274.

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husband, so, in regaird that precept is signed be us abone fouretene yearis ago, and nevir ony motioun maid for payment of the said debt since our comeing to this kingdome, it gevis us caus to suspect that the same hes bene formarlie payed. Alwayes we ar to will and desyre you to caus mak searche yf ony suche debt as is contenit in the said precept hes bene formarlie payed or no; and, tryale being tane by you that the same is a just and trew debt and as yitt unpayed, you sall gif present ordour to the Comptroller of our rentis thair for payment of the same. For doing wherof thir presentis salbe your warrand. And so bidis you fairweele."

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"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele:—Petitioun having bene preferrit unto us by one Nesbitt, justifeing himselff of a slaughter of one Wauchop, laitlie committed thair, as we are unwilling to stay the course of justice aganis suche as ar guiltie of ony cryme, bot speciallie of homicide, so we wald be loathe that the innocent sould onyway smart. And, becaus it wer a mater bothe perrellous and prejudiciall to truste the partyis awne reporte, and that in thir caises we ar forced to committ the tryale of thir materis to suche as we may credite, we haif in this particulair maid choise of you foure to tak cognitioun of this fact and whidder the supplicant wes guilty or innocent, and to certifie us particularlie of the same, to the effect we may outher in justice gif ordour for his punishement or then upoun reporte of his innocencye direct some course for his indemnitie. And heirin you ar so muche the rather to be the moir cairfull to try the treuth heirof, since the returne of your answer wilbe the ground of oure future proceding. And so we bid you fairweele.—To oure richt trusty and weilbelovit cosines and counsellouris, the Erll of Lotheane, Sir Johnne Cokburne of Ormestoun, knicht, oure justice clerk, Sir Johnne Skene of Curriehill, Clerk of Register, and Sir Williame Hairt, our justice depute."

Whitehall, 14th November 1609. [Wrong dating? See *ante* p. 571.] Letter from his Majesty to four of the Council, as to the trial of Nesbit for the slaughter of Gilbert Wauchope.

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"After oure verie hartlie commendationis to your goode Lordship:—As we haif verie just caus to rander unto your Lordship oure hairtie thankis for that haistie adverteisment whiche by your Lordshipis favour we ressaved of the unhappie slaughter of the Lord of Blantyris sone,[1] so we can do no les, in this tyme of that heich displeasour of the agit fader, who is so far overcome with anguishe, greiff, and sorrow that he is altogidder insensible and cairles of his awne adois, then to recommend him unto your good Lordship, that, as in all tymes heirtofoir he hes so mony prooffis of your Lordshipis grite favour and kyndnes towardis him, so now your Lordship will put to your helping hand and interpone your moyane and credite with our sacred Soverane in his favour, that, seing it hes pleisit God in his awne appointit tyme to spoyle him of so good a sone, that he may be

Edinburgh, 17th November 1609. Letter from the Council to the Secretary in the matter of the slaughter of Lord Blantyre's son, and in the interest of his disconsolate father.

[1] In a duel fought between Sir James Stewart, Knight of the Bath, eldest son of Lord Blantyre, and his English friend, Sir George Wharton, eldest son and heir apparent of Philip, 3rd Lord Wharton, both young men were killed. By the King's command they were buried in one grave at Islington on the 10th of November 1609.

conforted in his Majesteis accustomed gratious dispositioun towardis his weele-deserving servandis with the benefit of that whiche appertined unto his sone the tyme of his deceis for the support of the rest of his bairnis, and that ordour and directioun be given for putting of the same in suirtie to be furthcomeand accordinglie. We neid not insist with your Lordship in this particular, becaus we know that the good correspondence whiche this long tyme hes bene betuix you twa will haif force aneuch with your Lordship in all and every thing wherby your credite or moyen may availl him. And swa, recommending your Lordship to Godis devyne protectioun, we rest your Lordshipis verie good freindis,—Mar, Sanctandrois, Halieruidhous, Jo. Prestoun, Previe Seill, Justice Clerk, Sir T. Hammyltoun." Royal Letters, 1604–1612.

Edinburgh,, 17th November 1609.

Letter from the Council to the Erl of Dunbar, prayng him to use his good offices with his Majesty that Lord Blantyre be allowed to succeed to whatever belonged to his deceased son.

"After oure verie hartlie commendationis to your goode Lordship:—The adverteisment whiche to oure greit greif we haif ressavit of that unhappie accident and slaughter of the Lord Blantyris sone, who wes a youth so weele accompleisht in the qualities of his mynd and perfectionis of his body, hes brocht with it suche a havie burdyne of heich displeasour upoun the agit fader that, being overcome with anguishe, sorrow, and cair, he is altogidder insensible and cairles of that whiche by course of law upoun the occasioun of that accident may follow to his prejudice; and thairfore, in rememberance of the mony good serviceis from tyme to tyme done be him to oure sacred Soverayne, we could do no les in this tyme of his extreame displeasour, whenas he is depryvit of all providence and foirsicht on his awne adois, then to recommend him unto your good Lordship, hartelie intreating your Lordship to haif a favourable consideratioun of him, and in your singular wisdom and dexteritie to deale with oure sacred Soverane in his favour,—that, seing it hes pleasit God in his awne appointit tyme to spoile him of so good a sone, that his Majestie, in his accustomed regaird and dispositioun towardis his weele-deserving servantis, may be pleasit to haif a cair of him and of the rest of his childrene, and in thair support to benefeit him with that whiche by the death of his sone micht haif befallin him, and that ordour and directioun be gevin that the wryttis and what els belonged unto the young man may be put in suirtie to be furthcomeand accordinglie. And sua, remitting this to your Lordshipis favourable regaird and consideratioun, with the rememberance of our hairty love, kyndnes, and affectioun to your goode Lordship, we pray God to haif your Lordship in his blissit protectioun. Your Lordshipis assuirit goode freindis,—Mar, Sanctandrois, Jo. Prestoun, Halieruidhous, Previe Seill, Sir T. Hammiltoun, Justice Clerk." Page 251. Page 252.

Edinburgh, 17th November 1609.

Letter from the Council to the Earl of Dunbar as to the trial of Mr John Fairfoul for

"After oure verie hairtlie commendationis to your goode Lordship:— According to that directioun send doun frome his Majestie to the Archiebischop of Sanctandrois and Lord of Scone anent the examinatioun of Mr Johnne Fairfoull, minister at Dunfermlyne, for praying for the banissit brethrene [*ante*, p. 601], they haif had the said Mr Johnne befoir thame, and at grite lenth hes hard him upoun that mater, upoun the xvi of this Page 252.

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instant; and in the after none thay exhibited his depositionis to the Counsaile. He is ordanit to be summond to compeir befoir the Counsell upoun Thurisday nixt; at whiche tyme suche ordour salbe tane with him as shall gif unto his Majestie satisfactioun. We have heirwith send unto your Lordship the copy of his depositionis, to be showne to his Majestie at your Lordshipis best oportunitie. It will pleis your Lordship returne unto us his Majesties pleasour anent this mater. Sua, recommending your Lordship to Godis protectioun, we rest (subscryvit *ut supra*)."

praying for the banished ministers.

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"Richt traist freindis, efter our hairtlie commendationis:—Wheras, the kirk of South Ferry of Portincraig within that presbyterie being now vacand by the transplantatioun of Mr. Symeon Durye, who formarlie suppleit the charge of the minesterie of that kirk, we ar informed that you intend to plant ane minister at that kirk, and to misknowe and altogidder to prejudge his Majestie of his rycht of patronage of the said kirk,

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althoght in the erectioun of the priorie of Sanctandrois, wherof that kirk is ane pendicle, the presentatioun of the haill kirkis of that prelacey is specialie reserved to his Majestie. And, yf you without his Majesteis presentatioun sall so unadvisedlie proceid to the planting of that kirk, not onlie will you unnecessarlie draw yourselffis under his Majesteis offence, bot you will bring your bruther whome you intend to plant in a very grite uncertantie bothe of his admissioun and stipend. For no man is to haif the benefite of the stipend of the kirk bot suche as by his Majesties recommendatioun and presentatioun salbe lauchfullie and ordourlie plantit thairat. And thairfoir we haif heirby thoght meete to foirwarne you of the prejudice whiche you will do to yourselffis and your bruther yf thus unadvisedlie you sall proceid to the said plantatioun, and thairwith to requeist and desyre you to forbeir all proceiding and melling in that mater whill you gett a lauchfull presentatioun frome his Majestie, as you respect his Majesteis obedyence and will eshew his Majesteis just offence. Sua we committ you to God. Your very goode freindis,—Wyntoun, A. Bishop of Murray, Torphichen, R. Cokburne, Jo. Prestoun, Kilsyith, Myrecairny.—To oure richt traist freindis, the ministeris of the presbyterie of Sanct Androis."

Edinburgh, 28th November 1609.

Letter from the Council to the Presbytery of St Andrews, warning them not to plant a minister in the vacant kirk of South Ferry of Portincraig, as the patronage thereof belongs to his Majesty.

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"Richt trustie and richt weilbelovit cosines and counsellouris, we greete you weele:—Wheras we ar certifyed heir, by the reporte of passingeris comeing frome thense, of the insolent procedingis of the Erll of Craufurde aganis Williame Foullartoun of that Ilk, in causing his servandis besett and persew the said Williames wyffe in hir passage through oure burgh of Forfair, having beatin and woundit hir in the face, and left one of hir servandis for dead, wheras in that commoun humanitie required in everie honnest man the presence of a gentilwoman sould be a saulfgaird to hir convoy frome offerring ony abuse: and likwayes it being informed heir that the said Erll, accompanyed with a grite many servandis, armed with hagbutis and pistollettis, sould haif lyne by the way when the said

Newmarket, 30th November 1609.

Letter from the King to the Council, respecting some recent insolencies of the Earl of Crawford that have been reported to him, and requiring the Council to call the Earl to account.

Williame wes in peaceable maner going from our burgh of Dundie to his awne house, and thair umbesett him and cheissit him bak to the said burgh and to the mercat place thairof, wher, shoiting thair pistollettis at him and his servandis upoun intent to haif bereft thame of thair lyveis, thay wer missit, and one Jedeone Guthrie shoit through the body: and it being also certifyed that the said Erll, having ingaged the said William as souirtie for him for sindrie grite soumes of money, is rebell and denunceit to the horne at the said Williames instance for not releving him; and, whiche is moir hard, when the said Williame for the suirtie of his awne persone did charge the said Erll to find him lauborrous, he contemptuuslie dissobeyit the same and remanis rebell for the same caus: Whilkis thingis howsoevir uncomplenit upoun by the pairty wronged (as he who having served the fader so faithfullie and so long tyme wald perhaps be sorye now to turne accusair of the sone), yitt, bothe for the suirtie of oure peace and for the stay of suche insolencyis and contemptis, whiche by impunitie mycht haif some forder increscе and grouthe, oure pleasour, will, and expres command is that you faill not to call the pairtyis befoir you, tak tryale of these insolencyis committit, and of whatevir els you sall find done and committed being punissable by law, and to proceid and minister justice and inflict punishement with all severitie and rigour, as you wald gif us a prooffe of your willingnes to discharge that dewytie fitting to your placeis and utherwayes do us acceptable service. And so biddis you fairweele.—To oure richt trustie and weilbelovit cosines and counsellouris. Royal Letters, 1604–1612.

Newmarket, 1st December 1609. Letter from the King to the Council reproving them for delaying the execution of John Stewart, convicted of murder.

"Right trustie and right weilbelovit cosines and counsellouris, we greete you weele:—Wheras Johnne Steuart, sone to umquhile James, Lord of Downe, being now convict upoun his awne confessioun of a very vylde murthour committit be him, and sentence and dome being pronunceit by oure justice aganis him, the executioun thairof, as we do undirstand, is delayit whill the significatioun of oure pleasour and will thairin: we do mervell muche that you, having so laitlie ressavit frome us directioun concerning that mater, sould now delay the course of justice upoun forder warrant. And in this stay of his executioun maid by you the cosines and freindis of the pairtye convictit ar muche wronged, in regaird that one who hes so far stayned the nobilitie of his bloode by such a filthie deid sould be keipit alyve. Willing you thairfoir heirefter to be moir cairfull in doing of that wherin you ar ones directit, and not to urge the neidles reiterating of oure commandimentis in suche caices, so far as you may proceid having sufficient warrand and ground in law, we bid you fairweele. To oure richt trustie," &c.[1] Page 257.

[1] For this case of John Stewart, see *ante*, p. 602 and p. 604; and for the particulars of his crime and trial see Pitcairn's *Criminal Trials*, iii. 74–76.—His crime, called "hamesucken and murder under trust," was in having, on a particular day of June 1608, first quarrelled with a certain John Gib in Over Lessodie in Fifeshire, and then, after giving his solemn promise not to pursue the quarrel, gone, apparently in a state of intoxication, to Gib's house, obtained admittance, and there stabbed Gib as he was stand-

Royal Letters, 1604–1612. Page 261.

Royston, 16th December 1609. Letter from his Majesty to the Council, in behalf of the oppressed people of Orkney and Shetland.

"Right trustie and wellbelovit cosines and counsellouris, we greete you weele:—Wheras it hes bene havelie complenit unto us in the behalf of those poore people opprest (as they do afferme) by the Erll of Orknay that, notwithstanding of the Erllis warding, thay ar in no better condi-tioun, being still excludit frome enjoying thair awne rowmes and possessionis, and some of the Erllis servandis now in his absence continewing these same insolent and violent formes used by him heirtofoir,—wherby thesa poore people for feir of thair lyveis dar not repair home to thair awne houssis and duellingis,—we haif thoght meete of new to recommend this mater unto you, willing you heirin to tak the spedyest ordour may be for releving in all juste and goode sorte the present hard and miserable estate of these poore ones; unto whome delay of redres is no better then deathe itselff, and will ather inforce thame to utter dispair or then to flock hither in nowmeris; whiche as it wilbe some mater of offence unto us, so shall it bring some imputatioun of negligence and oversyght in you, that thay gett not justice ministrat at home, bot most be enforced to repair hither for oure directionis in everie particulair complaynt. And so biddis you fairweele."

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Edinburgh, 28th December 1609. Letter from the visitors of the University of St Andrews to the Rector and Regents of the same, as to means for supplying the place of one of the Regents, disabled by illness.

"Richt traist freindis, efter oure verie hairtlie commendationis:—At ane meiting and conferrence laitlie keipit in this burgh be a full nomber of us who ar nominat commissionairis for the visitatioun of that Universitie, it wes complenit that that place of exercise and teiching within the New College quhairof Mr Johnne Johnnstoun had the chairge hes ceissit this lang tyme bigane by his seiknes and inhabilitie to attend his chairge. Whiche being a mater verie prejudiciall to the estate of that College, and tuiching us quho ar commissionairis verie neirlie in the credite of oure dewteis, gif with connivence we sall suffer suche a necessar place of that College langer to be voyde, we have thairfore thoght meit to crave your advise and assistance quhat is fittest to be done heirin, requeisting and desyreing you effectuouslie to lat us have some overture and advise from you in write agane oure nixt meiting how this vaikand place in that College may be suppleid and filled, and quhom in your opinioun you think meitest for that charge, wherethrou ordoure may be tane thairin accordinglie, and we disburdynit of the imputationis whilkis by oure oversicht in this mater may be objectit unto us. Sua we commit you to God. Your verie good freindis,—Sanctandrois, D. L. Scone, Jo. Prestoun, Sir T. Hammiltoun, Sir Johne Skene, James Hay, J. Wemis."

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"Rycht trusty and weilbelovit cousengis and counsellouris, we grite you

ing in his shirt. As the criminal was of high family,—son of the late Lord Doune, and brother of the Commendator of St Colme,—he had contrived to evade justice for a while; but, having been brought to trial on the 22nd of November 1609, he had confessed and come in the King's will. Notwithstanding, he had been put to an assize on the 24th, and, on verdict given, sentenced to be beheaded. Not liking to be so summary with a criminal of Stewart's rank, the Council had postponed execution of the sentence, and referred the case to the King; and this is the result.

Whitehall, 8th January 1610. Letter from the King to the Council, anent the quarrel between Elphinstone of Blythswood and Bruce of Airth.

weill:—Wharas it haith bene havelie complaynit unto us by Sir George Elphingstoun of Blythiswod, knycht, that the Laird of Arth, the Laird of Kers, younger, Sir James Bruce of Powfoullis, knicht, and Alexander Bruce of Polknafe, sould haif laitlie, with convocatioun of our subjectis in grite nomber and with foirbiddin armour, come to the ground of his landis of Lethame, and to his barneyaird, and thair cassin some of the said Sir Georges cornes standing in stackes and caryed the same violentlie away with him, we haif in lyk sort hard the utheris apologie and defence gevin by him in writte, and findis a grite difference betuix thair reportis, and that thay do muche varie in the same. In whiche consideratioun, and that you ar not ignorant how odious these convocationis be unto us, as savoreing of that auld barbaritie whiche wes the roote of all deidlie feidis, and whareby we do hald ourselffis muche wronged by ony that dar use suche formes in preventing the cours of law, whiche we intend salbe indifferentlie patent to all, we haif thoght meitest to remitt the triell-taking of this mater wholelie unto you, desyreing you to examine the haill circumstances thairof; and, wharas you sall find ony offens or trespas to haif bene committit, you sall than in your discretionis tak suche ordour for puneisheing of the same as utheris may be affrayit to offend in the lyk sort heirefter. Whairin you sall do us acceptable service. And so bidis you fairweele." Royal Letters, 1604-1612. Page 273.

Royston, 16th January 1610. Letter from his Majesty to Sir John Skene of Curriehill, Clerk of Register, prescribing the costume to be worn by judges, magistrates, churchmen, and other public persons.

"Trustie and weilbelovit counsellour, we greete you weele:—The Esteatis of that oure kingdome having, as in mony other particularis of more moment heirtofoir, repoisit thair truste and confidence in us for prescryveing and setting doun of severall soirtis of habitis and apparrell for judgeis, magistratis, and churchemen [Acts of Parl. iv. p. 435], that so the promiscuous undistinguished weiring of apparrell now used may not in ony strangeiris who ar the beholdaris of it mak impressioun of the states negligence in this point: And we being by our Esteatis humblie sollicited to certifie oure pleasour and will heirin, bothe for the conveniencye of the mater itselff desirit, whiche no doubt will breid reputatioun to that Estate, and alsua impress in the commoun soirt (whome outward showe do muche move) a speciall regaird with all dew reverence towardis thame in heichest place, and also show oure willingnes to concur and advise thame heirin: Howevir, in regaird of oure other affairis of gritair importance and moment, we ar not permitted at this tyme to resolve fullie in the busynes, yitt, to gif unto thame some present satisfactioun in this thair so reasounable desyre, we haif thoght meete now only to send doun this directioun to be obeyit by suche to whome it is injoyned; resolvand not the les, at oure greitair laser and moir dew consideratioun of the busynes, the altering or adding heirto whatsoevir we sall hald fitt and expedient to augment and eik unto the same. Page 262.

As, first, oure pleasour, will, and expres command is that the provestis of burrowis, aldermen, baillies, and counsell of everie burgh ordinarlie weir blak gownis, lynned with some grave kynd of furring; whilkis gownis thay sall weare in thair counsellis, assemblyis, and meetingis for

Royal Letters, 1604–1612.

the affairis of burrowis, bot specialie in the conventionis of thair burrowis when thay ar chosin particulair commissionaris by the burghe where thay duell ather for Parliament or Conventioun. Whilkis gownis, after the forme and schape of burgessis and citizenis gownis, and not of ministeris or divynnis gownes, being proper for men of thair place, and ordinarly to be worne by thame afoirsaid as most comelie and decent for thame and thair estate, according to the shape, proportioun, and model of a gowne heir-with sent; whiche is to be ane example for the saidis burgessis gownis, according wherto all utheris ar to be maid. As alsua, it being verye meit and fitting that the principall grite burrowis of the realme, whilkis

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ar of power and habilitie, sall haif thair provest, baillies, and principallis of thair Counsell to be in suche decent and comelie apparrell as apperteyneth thame to be for the decencie, comelynes, and gravitie of thair places, we thairfoir ordane and appoint that the provest, baillies, and some of the principallis of thair Counsell of the townis of Edinburgh, St Johnnestoun, Dundee, Sanctandrois, Glasgu, Stirling, and Abirdeyne, sall weare gownis of reid scarlatt cloathe, with furringis aggreable to the same, upoun Soundayis, and all utheris solemne dayis, as the ryding dayis of the Parliament, the fyft day of August, the fyft day of November, or ony uther dayis of solempnitie. And, althoght these afoirsaid townes be speciallie named for the wearing of these scarlatt gownes, yitt it is noway oure meaneing to seclude ony uther townis frome wearing the lyke scarlatt gownes who understand thair awne habilitie sufficient for weiring thairof. We do lykuise statute and ordane the provest of Edinburgh at all tymes of Parliament, Conventioun, and tymes of solempnitie, to weare a grite gold chayne with his scarlett gowne, and that all commissionaris frome burrowis to the Parliament shall ryde to the Parliament house in thair scarlett gownis; bot, yf thay be of the meaner soirt of burrowis, then thay sall ryde in thair blak gownis, as thay sitt in thair Counsellis.

And the Chancellour is to weare, according to his awne discretioun, a ritche fair gowne of some sad or grave cullour, conforme to his conditioun of estate and rank, and that in his sitting in Sessioun, Counsell, Conventioun, and Articlis; bot, yf he be a nobleman, in his ryding to the Parliament to weare the habite dew to his rank and degree of nobilitie.

And als the President and remanent Ordinarie Lordis of Sessioun sall weare a purpour cloathe gowne, faced all aboute with reid crimsone satine, with a hude of purpour lynned with reid crimosine satyne also, according to the modell and forme of a gowne sent unto you to be a patrone for all gownis of ordinarie Sessionaris: onlie the Presidentis gowne salbe faced with reid crimosine velvott, and the hude lynnit with reid crimosine velvott. And the saidis President and Sessionaris sall weir these habitis upoun the streitis of Edinburgh induring the tyme of sessioun, and at all suche tymes quhen thay sall come to Counsell, Conventioun, or uther meiting. And the foure Extraordinarie Sessionaris to weare blak gownis of velvott satine or some other silk as pleaseth thame, lynned with matrix or some other blak lynning at thair pleasour.

And the Advocate, Clerkis of the Sessioun and Signett, sall haif thair gownis of blak, lynned with some grave kynd of lynning or furring. Royal Letters, 1604–1612. Page 264.

And, in lyke maner, the Justice-generall, when he sittis in his criminall courte and seate of judgement, sall weare a reid scarlatt gowne faced with quhyte armyne, with a hude of the same lynned also with quhyte armyne; and the Justice-depute and Justice-clerk principall sall weare blak gownis, with hudis faced and lynned with reid crimosine satyne as is afoirsaid; and the Clerk of the same courte to weare a blak gowne lynned with blak furring in that same forme as the Clerkis of the Sessioun.

And, moirover, the Doctouris of the Civile Lawis and all Commissaris shall wear gownis of blak, faced on the breist and neck with black velvott.

And siclyke all ministeris sall weare thair apparrell of blak, and not of ony mixt cullour; and in the pulpett, quhen thay preache to the people, thay sall weare thair gownis of blak, lynned with some blak lynning; and that at ony tyme thay sall not weare thair cloathis of ony uther cullour then blak only.

And, last, all Doctouris of Divynitie sall weare thair syde blak coatis, gownis, and tippettis, of ony kynd of silk or cloathe at tymes for thair gownes, as pleaseth thame. And evin so all Priouris, Abbotis, and Prelattis sall weare in tyme of Parliament gownis of velvott satine or some kynd of silk. And, finallie, all Bischoppis, in thair sitting and ryding to Parliament and in thair Counsellis, Conventionis, Generall Assemblyis, and in the churche when thay mak sermone, shall weare suche habit and vestement as ar accustomat to be worne by Bischoppis, most proper and decent for the dignitie of thair placeis and estate; and that ordinarly, in thair daylie weiring and when thay go to pulpett to preache upoun ordinarie dayis, thay sall weare thair coattis of blak damask, satine, or velvott, so syde as to come lower then thair knees, and above the same thair lang gownis of velvott or uther ritche kynd of silk, or, quhen thay ar privat, of cloathe, after suche forme, shape and fassioun as the gowne sent unto you; whiche we will haif to be as a model for all gownis to be used by Bischoppis heirefter. Alwayes, thay must ever weare with thair gownis thair tippett of Spanishe taffetty aboute thair neckis, and so syde befoir as thair gownis; and that in thair ryding or travelling the saidis Bischoppis sall weare blak syde coattis, and above the same thair ryding cloakis, with slevis lynned on the neck and faced on the breist and at the handis with blak velvott.

And, willing you to recorde thir presentis in the register of the statutis of Parliament of that oure kingdome as the declaratioun of oure pleasour will heiranent at this tyme,—for doing wherof thir presentis salbe your and warrant,—we bid you fairweele." Page 265.

"Richt trustie and richt weilbeloved cousinges and counsellouris, we greit Page 267.

Royal Letters, 1604–1612. Page 267 (repeated at page 273).

you weill:—Forasmuche as we being yit unresolvit what cours salbe takin with these Yllischmen, you ar thairfoir, upoun thair comperance befoir you, to continew all proceidingis in that busynes whill the eicht of Marche nixt to come; and in the meanquhyle for such as do compeir you sall tak cautioun of thame of new for thair apperance aganis that day, or then committ thame prisoneris where thay formerlie wer at commandiment. As for utheris who salbe absent, you ar to caus charge the cautioneris for the pennalteis incurrit, and utherwise tak the best and spediest and reddiest course for enforceing them to obedience. And thir presentis salbe unto you for this effect warrand sufficient. And so we bid you fairweill."

Royston, 20th January 1610. Letter from his Majesty to the Council anent the Islesmen against whom there are proceedings.

Page 265.

"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele:—The many grevous complaintis maid unto us in the behalf of the inhabitantis of Orknay and Zetland of the wrongis and oppressionis done unto thame by Mr James Steuart, bruther to the Erll, accompanyed with some men of weare and utheris of the said Erll his servandis, have moved us, for remedye heirof, to direct the reverend fader in God the Bischop of these Yllis to go thither to the boundis of his diocey, that als weele he may tak ordour for a goode reule in the Churche thair as for the quietnes of the cuntrey itselff, that every one of oure deutifull subjectis thair may leve in oure obedyence and peace without trouble and molestatioun. For whiche caus we wishe ane ample and large commissioun to be exped and past unto him, and to ony uther gentilman whome he will associat to himselff and whome you shall know to be a fitt instrument for that busynes, who ar to be authorized with all such commandiment as is requisite and salbe necessarye in suche a mater. For doing wherof thir presentis salbe unto you sufficient warrand. And so we bid you fairweele. To oure trustie and weilbelovit cosine and counsellouris, the Erll of Dunfermelyne, our Chancellour, and remanent Lordis and utheris of oure Prevey Counsell of Scotland."

Royston, 20th January 1610. Letter from his Majesty to the Council, instructing them to make out a commission for the Bishop of Orkney and some others, giving them powers for settling things in Orkney and Shetland.

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"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele:—Wheras, upoun the presumptious disobedience and misbehaviour of certane of the ministerie of that oure kingdome, we thoght goode to confyne thame in suche places as we thoght most fitt, we ar now credibillie informit that divers of thame not onlie exceid the boundis limited unto thame, bot als preiche publictlie in places far without the limitis prescryved unto thame,—a thing whiche at first seamed verie strange unto us, bothe in respect of thair contempt of oure commandimentis and your negligence of seeing the same in all pointis fulfilled. You yourselffis ar, most parte of you, being eywitnessis of the stay of Mr James Balfour within that oure burgh, wheras, by oure speciall directioun sent unto you, he wes confynned elswhere. It is thairfoir oure pleasour that not onlie you putt present ordour to this abuse, bot alsua that you certifie us bak by this beirar, oure Secretarye, what assurance we may haif heirefter that

Royston, 20th January 1610. Letter from his Majesty to the Council, concerning their negligence in allowing some of the confined ministers to range beyond their prescribed bounds.

oure directionis of this kynd sall not be by you thus neglectit. And so bidis you fairwele." Royal Letters, 1604–1612.

Royston, 20th January 1610. Letter from the King to the Council, to postpone the General Assembly called for May next.

"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele:—Wheras we haif thoght meete that the Generall Assemblie appointit to be keept in May nixt sould not then hold, for certane reasonis whiche unto you by oure Secretarye salbe imparted, these ar to will you to caus pas and expeid a proclamatioun to be publissit for that effect when he sall require the same. For doing whairof thir presentis salbe your warrant. We bid you fairwele." Page 267.

Royston, 20th January 1610. Letter from the King to the Council, instructing them to proclaim anew the acts against the exportation of wool.

"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele:—Wheras nothing dothe so muche hinder and stay that so necessar a worke of cloathe-working within that kingdome (whiche mycht no doubt turne so beneficiall to the whole Estate) as the continuall exportatioun of the woll furth thairof, and, albeit the same hes bene muche prohibited in former tymes, yitt, by granting of licenceis and connivence of officiaris, the restrent hes never bene preceislie keept, these ar thairfoir to will you by proclamatioun of new to publishe the same restreante, to the effect thair may be materiallis within the cuntrey to sett men on worke; the scairstie quhairof heirtofoir hes bene a grite latt and impediment to that busynes; willing you also in oure name to command the Comptroller of oure rentis that he do not consent or yeald to the passing of ony licence for transporting of woll heirefter. For the whiche thir presentis salbe a warrand sufficient. And so we bid you fairweele." Page 267.

Royston, 20th January 1610. Letter from his Majesty to the Council, anent commission to the Bishop of Galloway for visitation of his diocese,

"Richt trustie and right weilbelovit cosines and counsellouris, we greete you weele:—Wheras we haif directit the Bischop of Galloway to mak a particulair visitatioun through the haill churcheis of his diocie, that so he may undirstand and know the conditioun of the same,—whiche of thame ar unplantit with ministeris, and whairin thair is ony other defectis whiche require to be amendit, and, quhair the parroches be small and adjoning and thair provisioun and stipend unable for the mantenance of two, that he may tak ordour for uniting of thame in one churche, that so rather one be enabled to attend bothe, being conjoyned togidder, then that bothe of thame for want of mantenance sould haif no minister at all:—We ar thairfoir to will and desire you to authorize the said Bischop with commissioun and chargeis to this effect, siclyke and in the same manner as the Archiebischop of Glasgow had in his visitatioun laitlie of the churcheis of Nithisdaill and Annanderdaill. And for doing heirof thir presentis salbe your warrant. And so bidis you fairweele." Page 268. Page 269.

Edinburgh, 29th January 1610. Missive letter from the Chancellor and Sec-

"After oure verie hairtlie commendationis to your good Lordship:—The Kingis Majestie considdering the grite abuse and misordour quhilk of lait yeiris hes bene in the Prevey Counsall of this kingdome by the confusit nomber of personis clameing vote and accesse within the same, quhair- Page 265.

Royal Letters 1604–1612.

throu the affairis of the Estate ar not directit and governit with that majestie, decencie, and gravitie whiche apperteyneth to suche a place, his Majestie hes thairfoir resolved to reduce this extraordinar and confusit nomber to a certane few of thoise personis selectit be his Majestie upoun whome his Majestie hes repoisit the truste and charge of his affairis heir. Off the whilk nomber your Lordship is one in speciall; and his Majestie hes appointit the xiii day of Februar nixt for the meeting of this selectit nomber heir in Edinburgh to accept thair placeis and charge upoun thame. And thairfoir these ar to requeist and desyre your Lordship that you faill not, all excuissis sett asyde, to addresse yourselff heir upoun the xii day of the said moneth of Februair nixt at nycht; wherthrou you may be in reddynes upoun the morne thairefter to convene with the rest of the Counsell and accept your place and charge according to the reule and ordour prescrivit and sett doun be his Majestie, as your Lordship respectis his Majesteis obedyence and service. Sua committis your Lordship to God. Your Lordshipis very goode freindis,—A., Cancellarius, A. Hay.—Thir missives directit to the Erllis of Mairshaell, Cassillis, Glencairne, Montrois, Lynlythqu, Wigtoun, Kinghorne, Abircorne, Lotheane, and to Sir Robert Melvill, eldair."—See *ante*, p. 414, footnote.

retary to nine earls and Sir Robert Melvill of Murdocairny, announcing that the Privy Council has been reconstituted, and requiring their presence on the 13th of February at the first meeting of this reconstituted Council.

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"Richt traist cousing and counsellour, we greit [you] hartlie weell:—We haif appointit a nomber of noblemen and utheris to be of our Previe Counsell of that oure kingdome, as moir particularlie you ar informed by our Secreter, and haif reservit tua voyd places for suche utheris as we sould think fitt to augment to that nomber. And, knowing that the Erll of Perth is weill inclynit to justice, and that he is a nobleman lyand neir to the Hielandis of that oure kingdome, and thairfoir the moir fitt to gif his avise in Counsell concerneing the quyeting of that pairt of the cuntrey and repressing of the barbarous hielandmen inhabiting within the same, oure will and pleasour is heirfoir that you admitt him to be of our said Previe Counsell in one of these tua voyd places and tak his oath according to your forme. For whiche these presentis salbe your warrand. And so we bid you hartelie fairweill."

Whitehall, 14th February 1610. Letter from his Majesty to the Chancellor, nominating the Earl of Perth to be one of the newly-constituted Council.

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"Richt traist cousing and counsellour, and richt trustie and weilbelovit counsellouris, we greit you weele:—The Erll of Caithnes by his letters haith complanit unto us of the wrongis and oppressionis allegit sustenit by him and his tennentis be the procurement of Hutcheoun M°Ky of Far, and namelie of that insolent fact allegit committit in the monethe of December last by Johnne Sutherland, sister-sone to the said Hutcheoun, in slaying of some of the said Erllis tenentis, and carying by strong hand of ane grite quantitie of goodis out of Cathnes to the said Hucheoun's landis and countrey of Strathnaver; whar it is allegit the said Johnne Sutherland hes his ordinary ressait and residence under the protectioun and mantennance of the said Hutcheoun. Oure will and pleasour is heirfoir that you call the said Hucheoun M°Ky and Johnne Sutherland befoir you, tak

Whitehall, 22nd February 1610. Letter from his Majesty to the Council, instructing them to investigate a complaint by the Earl of Caithness against Mackay of Farr and John Sutherland.

narrow triell and examinatioun of the treuth of this complaint, and as you find thame guyltie or innocent that you minister justice unto thame accordinglie, as ye will do us good service. And so we bid you hartlie fairweele." Royal Letters, 1604–1612.

Whitehall, 3rd March 1610. Another letter from his Majesty to the Council, in the matter of the Islesmen who are under question.

"Richt trustie and richt weilbelovit cousingis and counsellouris, we greit you weill:—Forasmuche as we ar as yitt unresolvit what cours to tak for satling of the Yllis affairis, and understanding the day of apperance of the principall of these Ilesmen befoir you is the aucht of Marche instant, you ar thairfoir to continew the dyett of thair apperance unto the xv of May nix to come, and by proclamatioun to intimat the same both to thame and thair cautioneris, that thay faill not to keepe the said preceis day under suche panes as thair contumacie in that caus sall justlie deserve. And, willing you to be cairfull to see this our directioun speedely execute, as you wald do us acceptable service,—wharanent these presentis salbe your warrand,—we bid you fairweele." Page 270.

Whitehall, 3rd March 1610. Letter from his Majesty to the Council, ordering Mr John Fairfoull's place of ward to be changed from Dundee to Anstruther, and giving him liberty to preach there.

"Richt trustie and richt weelbeloved cousingis and counsellouris, we greit you weele:—Whareas we undirstand that, upoun the lait offence committit by Mr Johnne Fairfoull, minister, for praying for these traterous banneisched ministeris, he wes than by you confyned within our burgh of Dundie unto suche tyme as our farder pleasour and will wer knowne thairanent, we haif thairupoun thoght meit to alter the boundis of his confynneing, and to will and requyre you to direct your speciall warrant unto him to repair unto the burgh of Anstruther, and to stay within the limites of the parrochin thairof, and no way to transcend these boundis, nor yit to repair to ony sessionis, presbiteris, or uther ecclesiasticall meetingis, without our speciall licence had and obtenit thairto,—geving unto him not the les by the said warrant, enduring the tyme of his stay in the said parroche of Anstruther, libertie to teache and preache in the kirk thairof. For doing of the whiche thir presentis salbe unto [you] a warrant. And so we bid you fairweill." Page 271.

Whitehall, 7th March 1610. Letter from his Majesty to the Council, to enforce the Act ordaining that goods exported to the Low Countries shall be landed only at the ordinary staple in Flanders.

"Right trustie and richt weilbelovit cosines and counsellouris, we greete you weele:—Wheras, by statute of Parliament maid in the moneth of December 1597 [Acts of Parl., vol. iv. p. 138], it is specialie ordanit that no schip going for the Low Cuntreyis furth of that kingdome sould land ony goodis or geir bot at the toun of Campvere or the ordinarie staple for the tyme; and undirstanding that mony mercheantis do transport thair goodis exported furth of that kingdome to Neupoirt, Ostend, Dunkirk, and sindrie uther pairtis within the boundis of the saidis Low Cuntreyis, directlie aganis the meaning of the said statute, and to the grite hurte and prejudice of the realme, in so far as the fraude and fals dealing of marcheantis in using unlauchfull cocquettis, making of fals and unjust entreis, and transporting of prohibited and foirbiddin goodis, can no way be controlled except thay resoirt to the ordinarie staple whair the officiar who Page 278.

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by Parliament is appointit to oversee these thingis, ather by himselff or his deputie, doeth ordinarlie reside: It is thairfoir oure pleasour and will that you by proclamatioun intimat of new the tennour of the said statute to all marcheantis trafficquing to the Low Cuntreyis, that thay heirefter keepe and observe the same, and do not transporte or land thair goodis at ony uther porte or heavin in these Low Cuntreyis then the ordinarie and accustomat staple, under suche panes to be irrogat upoun the contravenaris as by the said statute is appointit. And so bidis you fairweele."

Page 270.

Whitehall, 8th March 1610. Letter from his Majesty to the Council, commanding them to require the Earl of Orkney, now in ward, to enter his brother, Mr James Stewart, before the Council to answer for his misbehaviour in Orkney.

"Richt [trustie] and richt weilbeloved cousingis and counsellouris, we greit you weill:—It is now of long tyme sence by our letters sent unto you we did will some ordour sould be taken for chargeing of Mr James Stewart, bruther to the Erll of Orknay, for his apperance befoir you to haif answerit for his insolent forme of proceiding within the boundis of Orknay and Zetland, in being accompanyed with some men of warre and soldieris, and doing of mony oppressionis upoun oure good and dewtifull subjectis in these boundis. Wharwith we wald haid some speciall speedy ordour taken, as alsua for the delyverie of the castle of Kirkwall and utheris of the saidis Erllis houssis, to the effect thay sould be maid reddy and patent to suche commissionaris as we sould send to these partis for quieting of these boundis. Bot, as yit being unacquented what haith bene done by you in this our directioun, we ar to will you of new agane (yf the same be untaken ordour with as yitt) to command the said Erll, who is now in ward, and by whois directioun it may weill [be] supponit that this busynes is maid by his brother and these men of wearre, that he will exhibit and produce his bruther befoir you, that he will reteir these soldieris and men of wearre furth of these boundis, and that he will caus mak delyverie of the castle of Kirkwall and his uther houssis to suche of our officiaris and messingeris whom you sall direct to ressave the same; who salbe reddy

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attending to mak thame patent to suche of oure commissionaris whome we ar to direct for setling of peace and obedience in those pairtis. And heirof you sall caus mak intimatioun unto the said Erll, that he do the same with all possible diligence, as he wald prevent our more hard and rigorous proceiding against him. And, leaving this mater to your speciall cair and speedie directioun, we bid you fairwele."

Page 269.

Edinburgh, 15th March 1610. Letter from the Council to the Secretary for Scotland resident at Court, recommending to his Majesty's favourable consideration the petition of certain persons who had ad-

"After oure verie hairtlie commendationis to your good Lordship:—Thair wes ane petitioun preferrit unto us the last Counsall day on the behalf of the Countesse of Lotheane, Johne Elphingstoun of Schank, James Davidsoun of Harviestoun, George Thorbrand, burges of Edinburgh, James Borthuik of Lochhill, and Johnne Bairnefather, sone to umquhill George Bairnefader, burges of Edinburgh, showing that, Capitane Johnne Borthuik and Capitane Andro Rentoun haveing leveyed some companeis of men for the weiris of Swaden, thir petitionairis at thair desyre and requeist not onlie become cautionaris for the fraucht of the schip quhairin the men of weare wer transportit, extending to thrie hundreth rex dolouris, bot lyk-

vanced money to two captains bound for Sweden and now in service there.

wyse for the haill sowmes of money quhairwith thay lifted thair companyis, extending to four thousand merkis or thairby, upoun thair band, promeis, and conditioun to have maid payment of thir sowmes to thair principall pairtyes in the toun of Stokhollum in Swaden at ane certane day of lang tyme bigane. Wherein thay haveing most unlauchfullie failyeit, and thir petitionaris being straitit with the conditioun of thair bandis, thay have maid full payment of the saidis sowmes and satisfeit thair bandis in everie point. Quhairof thay can get no releif,—thir tua Capitanes being now resident in Swaden, and actuallie in the service and wearis of the King thairof. And, seing that thir sowmes wer lifted and imployit upoun the furtherance and advancement of the said Kingis service, thay craved of us that we wald recommend thame unto our moist gratious Soverane the Kingis Majestie, and humblie crave his Majesteis favourable letter to the King of Swaden in thair favour, that thay micht be payit of the first and reddiest of the allowanceis dew to thir tua Capitanes. Thair petitioun being foundin verie reasounable, and we being loath to importune his Majestie, haif thoght meit to recommend it to your good Lordship, requeisting your Lordship, at some fit opportunitie of his Majesteis lasour, to acquent his Majestie with thair desyre, and that thair is no possibilitie of thair releif be ony meane quhatsumevir other then be his Majesteis recommendatioun as said is, to the effect his Majestie in his princelie wisdome may gif suche directioun heiranent as to his Majestie sall seame expedient. And so, commiting your Lordship to Godis protectioun, we rest your Lordshipis verie loving freindis,—A., Cancellarius, Lotheane, Wigtoun, Perth, Linlithgu, Mr G. Young." Royal Letters, 1604-1612. Page 270.

Whitehall, 20th March 1610.

Letter from the King to the Council, commanding them to take steps for removing a feud between the Lairds of Bemerside and Merton.

"Ryght trusty and right weilbelovit cosingis and counsellouris, we greit you weill:—Understanding that, by the occasioun of some difference and questioun of marches betuix the Lairdis of Bemersyde [Haig] and Mertoun [Halyburton], thair hath bene some laite braullis betuix these partyis, and that the Laird of Mertoun, with some of his cosingis and freindis, doe carie thameselffis verie insolentlie, making shew as yf thay wald manteyne a deadly feid,—it being a mater intollerable that, since both we in oure awne persone did undertak so grite paynes to suppres the memorie of suche a damnable and detestable custome in that cuntrey, bringing with it so grite a reprotche in the opinioun of all foreynaris to the whole natioun, and that the Estaitis of Parliament have also for that same caus maid ane expres statute,—thairfoir our pleasour, will, and expres command is that you call both the saidis Lairdis of Bemersyd and Mertoun, and als Thomas Haliburtoun, utherwise callit the fell man, befoir you, and, according to the intent and meaning of the said statute, ather enforce thame to present reconsiliatioun or than you ar to committ the refuseris in strait wairdis untill suche tyme as oure farder pleasour be knawne. And, for suche as sall not compeir, you ar to direct thame to be denunceit, and that all suche farder cours be takin as is requisite against rebellis and contemneris of oure royall authoritie. And so, Page 274. Page 275.

Royal Letters, 1604–1612.

committing this mater to your speciall cair and consideratioun, we bid you fairweele."

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"Richt trusty and weilbelovit cosin and counsellour, we greit you weele: —Wharas one Andro Hendersone being committit to prisone, tryed be assyse and convict for amputatioun of some fingeris of the left hand of ane Montgomrie, marchant, burges of Edinburgh, as death in ony suche cace is too hard a puneischment, so, understanding of some offeris maid by him to the partyis offendit, and yet refuisit, thay being unwilling in thair malicious and revengfull heate to heir or admit ony mitigatioun, we haif thairupoun taken occasioun to will and desyre you to considder of the offeris maid, to tak some speedy present course for composing that mater and releving the prisoner, undone by his long imprisonement, and by avise of oure Counsell to injoyne him baneishment or ony uther suche puneishment, death and restreant exceptit, as yee in your discretionis sall think fitt. And so we bid you fairweele."

Whitehall, 26th March 1610.

Letter from his Majesty, in the case of Andrew Henderson, under sentence of death for mutilation.

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"Richt trusty and weilbelovit cosingis and counsellouris, we greit you weill:—We understand of the ordour gevin by you for warding of the Laird of Arth in regaird of the convocatioun maid by him and complayned of unto you by Sir George Elphingstoun, for the casting of some stakis of corne belonging to the said Sir George, quhairof the said Laird of Arth did acclayme the teynd as justlie belonging unto him. And, calling to mynd upoun what groundis and occasionis the detestable monster of deadlie feid (so odious to God and reprotchefull to that natioun) did aryse, and with what panes, in oure awne persone in the tyme of oure stay thair and cairfull directioun unto you oure Counsell since our departour from thence, we haif bene evir disyrous to tak up that mischeavous weid by the roote,—the seid quhairof for most pairt haith arysen upoun contraversie of merches, teindis, or casting of faill and diwott, or suche lyk occasionis, the beginning wherof oftentymes caryed perhaps small schaw of inconvenience, howevir thay haif afterward tryed to bring very hard, trublesome, and dangerous sequellis and eventis. And, in regaird deidlie feidis wer once so extirped as that these yeiris bypast we haif hard of none within that kingdome of onie accompt, we wald now be loath that ony suche new occasioun as micht gif roote to this poisounable

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hearbe should pas unpuneisheit, since no doubt the impunitie for beginingis drew on the sequellis, wharas our justice is now patent to every complaynant, and that our subjectis thair in no tyme past could evir so justlie boast that everie [? one] duelt in saiftie under his awne figtree. Alwise in the particuler befoir rehersit oure pleasour and will is that the Laird of Airth salbe continewit in his waird within oure castell of Stirling until such tyme as you sall haif our expres directioun and command for his enlargeing; and, anent his fyneing for his offens of convocating of oure lieges, now tryed befoir you, oure pleasour is that you sall suspend the decerning thairof unto such tyme as, by our richt trustie

Whitehall, 28th March 1610.

Letter from his Majesty to the Council, anent their proceedings in the matter of the quarrel between Bruce of Airth and Sir George Elphinstone, with remarks on the causes of feuds generally, on the impropriety of convocations at days of law, and on the irregular attendance of some Councillors.

and weilbelovit cosing and counsellour, the Erll of Dunbar (who is to repair shortlie tither), you be certified of oure will in that mater. And, becaus we understand that not onlie at this day of the said Laird of Arthis comperance befoir you, bot that usuallie in dyettis keept betuixt ony great partyis ather befoir you or our justice, thair is suche convocatioun maid of thair freindis and followaris as it wald seame rather that thair apperance war not so muche ether for obedience or cleiring thameselvis of that quhairof thay ar accused as on the uther pairt to imprent in thair waik-hartit adversarie some feir of thair parteis grite freindship and upoun terrour to enforce him to relinquishe his just persute,—wharin we hald ourselves to be so farr intrest that ony man sould be debarred of justice, and feared from seiking of it in regaird of the grite baking of his adversarie, as we do profes to hald all suche as shall mak thair apperance ather befoir you or our justice heirefter accompanyed in ony uther sort than by thair ordinary and lauchfull tryne to be guyltie of the cryme imputed to thame, and heirin cannot omit justlie to blame your bipast oversicht, in so farr as you, being all or most part of you eye-witnessis and upoun the knawlege of these convocationis before you and our justice, and haveing warrantis of so many statutis, preceiding actis of Counsell, and our proclamationis in the contrarie, sould now, by your connivence at these thingis, show yourselves careles in your charge,—thairfoir, that this sall serve for ane admonitioun, oure expres will is that at the apperance of ony parteis befoir you or our justice, yf both playntiff and defendand do come in ony sorte utherwise accompanyed than unto thame is usuall accostomed, you sall than without farder proceiding in that mater continew the dyett to such a day as may induce thair attendantis to wearie, and in the meanewhile presentlie to commit both the partyis, yf in this cais they both offend, or the one of thame who sall trespas heirin, to some of our wairdis, thair to remane quhill the dyett appointit for triall of the mater. And you sall not admit ony suche frivolous excuise as that thair freindis did come unrequired or against thair willis;—since we knaw that thair committing will caus thair freindis thairefter to foirbeare from backing of thame, and will remove the occasioun of all such trouble and tumult whiche thir grite backingis do mak at the apperance of ony partyis ather befoir you or our justice. And, forasmuche as we undirstand that some of our new appointit Counsell thair, who ar bot verie seldome attending on thair charge, and for most pairt do not come at all bot quhen ather some occasioun of thair awne or the busines of thair freindis dois present, bewraying thair owne partialitie, much to be condempnit in ony of thair place, do at thair comeing to such particular dyettis so farr discover thameselffis beyond the dewtie becomeing Privie Counsellour as thay will gif us just occasioun to hald thame unworthie of the place, and so appoint utheris in thair rowmes: to the effect thairfoir that the not acquenting of us heirefter with this abuse do not gif way to more inconvenientis, our expres will and command is to you our Chancellour, as you will answer to us

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thairupoun, that at all suche tymes when ony of our Counsellouris sall addresse thameselves onlie for suche particular dyettis more of keything thair freindship to private parteis than for ony intentioun of oure service, that you particularlie certifie us of the same, so that we may mak uther choice in thair roomes, who can better both attend and dischairge thair places. Wharin not doubting of your speciall care, as you wald eschew our just reprooffe, we bid you fairweele."

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"After oure verie hairtlie commendationis to your goode Lordship:—You do remember that the last day you wes present with us in Counsell thair wes three petitionis exhibited unto us: the one concerning Harye Freiland, craving a tryale of those speecheis avowit upoun him be Alexander Blair, or then libertie frome his present warde upoun cautioun to be answerable; the uther concerning Andro Hendersoun, craving lykewayes libertie frome his present warde; and the thrid concerning Mr Henry Charterhous and Mr Charles Lummisden, complening that Robert and Thomas Lummisdenis, who attendis thair at Courte, ar denunceit rebellis and lyis at the horne at thair instance for non-payment-making to thame of certain soumes of money specifeit in thair letters rased thairupoun, and craving that, accordto his Majesteis proclamatioun sent doun heir, thay may be apprehendit and maid close prisounaris thair. We could gif no ansuer to none of thir petitionis whill his Majesteis pleasour be first knowne: becaus that of Frielandis tuicheis his Majestie in so heich a point as it becometh no subject to mell thairwith without his Majesteis allowance; and that of Hendirsonis restis fullie in his Majesteis handis and upoun the declaratioun of his Majesteis will concerning him, becaus the pane of deathe hes nevir tane executioun in materis of amputatioun or mutilatioun within this kingdome; and the thrid is to be directit as his Majestie shall think goode. And thairfoir these ar to requeist and desyre your goode Lordship that at some fitt occasioun of his Majesteis leasoure you will acquent his Majestie with thir three particularis and returne unto us his Majesteis will and pleasour thairanent. Sua, recommending your Lordship unto Godis protectioun, we rest your Lordshipis very goode freindis,—A., Cancellarius, Sanctandrois, Glasgu, Glencairne, Lotheane.—To oure very honnourable good Lord, Sir Alexander Hay, knycht, Secretair of Scotland."

[Edinburgh, March 1610?] Letter from the Council to the Secretary for Scotland resident at Court, requesting his Majesty's instructions in certain matters.

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"Right trustie and richt weilbeloved cosingis and counsellouris, we greit you weill:—Understanding that one Alexander Frieland is at commandiment and clos prisoner, being takin by the Lord Scone upoun informatioun gevin of his uttering of some most treasounable and detestable speiches, and that his accuser is now in lyke sorte committed, we haif thairupoun maid speciall choise of you to tak the examinatioun of those partyes, and to proceid with torture whare you sall think it in your discretionis requisit, haveing heirwith sent unto you the note of the accusatioun under the accuseris awne hand, will[ing] you with the first occasioun to acquent

[March 1610?] Letter from his Majesty to certain Councillors, ordaining them to examine, with torture if necessary, Alexander Freeland, a prisoner for treasonable speeches said to have been made by him.

us what you do find in that matter. For doing quhairof thir presentis salbe unto you a warrand sufficient. And so we bid you fairwell."—The letter is directed to the Earl of Dunfermelyne, chancellor, the Lord Scone, Mr Johne Prestoun of Pennycook, president of the college of justice, Sir Thomas Hammyltoun of Bynnie, advocate, and Sir Johnne Cokburne of Ormestoun, justice clerk. Royal Letters, 1604-1612.

Thetford, 8th May 1610.

Letter from his Majesty, directing Chancellor Dunfermline and the Earl of Dunbar conjunctly to choose persons fit to be commissioners and justices of the peace in all the shires.

"Richt trustie and richt weilbeloved cosines and counsallouris, we grite you wele:—We have gevin expres chairge and directioun to our richt trustie cosin and counsalour, the Erll of Dumbar, that you our Chancellair and he conjunctlie togidder sould resolve upoun suche choise of commissionairis and justices of peice within each cuntrey and shyre in that kingdome as in nowmir sould be fitting for the boundis of the schyris, and of suche personis whom in both your judgementis you do undirstand best affected in religioun, fordward in our service and lovers of our peace, and frie of all wrongeing or oppressing of thair nichtbouris in tyme past. We ar thairfore to will and desyre you to resolve upoun some present course for pasing and expeiding of commissionis to suche justices and commissionaris in every countye and shyre as salbe appointed, and to gif unto thame suche instructionis to be keipit and observed be thame in the executioun of thair chairge as you sall hold fitting and expedient. And so we bid you fairwele.—*Sic supra-scribitur*: JAMES R." Page 369. Page 370.

Thetford, 8th May 1610.

Letter from his Majesty to the Council, commanding them to search how far the riots and oppressions in Orkney and Shetland are instigated by the Earl of Orkney, and to take proceedings accordingly.

"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele:—Wheras we ar informit of the most insolent ryottis committit in the boundis of Orknay and Zetland by some souldiouris and levyed men, conduceit and commandit be Mr James Steuart, bruther to the Erll, and (as appeireth) by the Erll his awne directioun and appointment, we cannot bot heichlie be incensit thairat, since griter contempt of our authoritie then it is can not be committit. And thairfoir these ar to will you to tak tryall thairof, and of the Erllis guiltynes thairin, and how far he is come within the compas of our lawis; and, yf you find ground of a criminall persute aganis him, that you gif present directioun to our Advocat to persew him and to our Justice to proceede, and in the meantyme to tak suche forder course bothe for the speedie suppressing of those oppressing souldouris and for freeing of oure goode and peaceable subjectis frome the utheris wrongis and insolencyis as you in your discretionis shall think fitte. And so we bid you fairweele." Page 283.

Edinburgh, 24th May 1610.

Letter from the Council to the magistrates of Tain, concerning their negligence in the case of Mr John

"Traist freindis, after oure hairtlie commendationis:—Wheras, Mr Johnne Monro, minister, being of a lang time bigane denunceit rebell and putt to the horne for ane heich contempt and offence committit be him aganis the King his sacred Majestie, and being of new chargeit to haif compeirit befoir his Majesties Counsaill to haif ansuerit upoun his said offence, he, takand the cryme upoun him, hes absentit himselff and compeirit not, Page 282.

Royal Letters, 604–1612.

and is thairfoir of new ordanit to be denunceit rebell and putt to the horne; and, notwithstanding of his rebellioun, we ar informed that he hes his ordinarie residence in that towne, and usis his ministerie thair, as yf he wer a lauchfull subject. Wherat we mervell not a litle that you, who are his Majesteis officiaris, armed with his Majesteis royall pouer and authoritie, sould by your connivence and oversight suffer ony suche personis who standis under his Majesteis offence haif so peaceable a residence and free exercise of thair calling amang you, seeing in the dewitie of your officeis you stand ansuerable to his Majestie for every suche errour and oversight wherwith in reasoun you may be burdynnit. And thairfoir chargeis ar direct aganis you for the apprehensioun of the said Mr Johnne, and keeping of him prisouner in some chalmer of your towne quhill he purge himselff of his rebellioun. The executioun of the quhilkis chargeis we haif heirby thoght meete to recommend unto your cair and diligence, admonesheing you that, yf you be remisse or negligent thairin, that not onlie will you be maid to gif accompt of your bipast errour and oversight in this poynt, but suche uther ordour wilbe tane with you as your negligence in suche a caise requireth. And so, committing you to Godis protectioun, we rest your goode freindis,—A., Cancellarius, Sanctandrois, Glasgu, Glencarne, Perth, Abircorne, D. Scone.—To our richt traist freindis, the provest and baillies of Tayne."

Monro, minister, who, though denounced rebel, is residing and preaching in their town.

age 280.

"Most gratious and sacred Soverane:—Upoun knowlege of your Majesties pleasour signifeit unto us, we did repair to the castell of Striviling (thair being some bischoppis and ministeris appointit by the Assemblie to be present at that meeting), and, desiring to undirstand what hoipis thair myght be of the Marques of Huntlie his conformeing of himselff, after mony severall speecheis delyverit bothe by some of the Counsell, bischopis, and utheris of the ministerie then present, showeing unto him quhat just reasoun thair wes of a conformitie in religioun and

ige 281.

of the reclameing of all suche as sould be so affectit as he wes, since that professioun maid thame justlie suspectit bothe to his Majestie and most parte of all Christeane princes, it being knowne that these of that religioun wer now become the murtheraris of princes, as the late president of the Frenshe Kingis murthour dothe testifie, and that thay ar huntaris after your Majesties awne lyffe, whiche wes usit be us as the most forcible argument to haif moved him,—and he being thairwith exhorted to imbrace that course whiche wer most proffitable for his soulles helth and micht procure his libertie with your Majestics favour,—he did then ansuer that he had subscryvit those articlis sent by your Majestie to him, with the subscryveing wherof, as he undirstoode, your Majestie restit contentit, and offerrit to approve his subscryveing thairof by the witnessis who wer present thairat. And thairupoun, being willed to declair how he wes resolved in those pointis he had subscryvit, and desirit to gif a reasoun concerning his present resolutioun, being formarlie of a contrarie professioun, did ansuer thairto that for your Majesties satisfactioun he had

Edinburgh, 17th June 1610. Letter from the Council to his Majesty, reporting the results of an interview with the Marquis of Huntly in Stirling Castle.

yeildit so far, bot, not being learnit, as he affermed, did say that he wes not able to gif ony uther reasoun for his subscriptioun,—it noway being your Majesties pleasour, as he understoode, that ony man sould be particularlie inquirit of the reasoun of his conformitie, nor that yitt his oathe sould be takin upoun every article of faith, and that he belevit that your Majestie had gevin no suche directioun for examining of him upoun every particulair article or reasoun of his resolutioun; and, forder, did offer presentlie to tak oath that the subscriptioun of the articles presentit unto him wer his awne handwrite, bot wald noway sweir that he wes fullie resolved in every one of these pointis whiche he had subscryved. Whereupoun, finding les hoipis of conformitye than we did expect, we could not of dewytie omitt to certifie your Majestie of our procedingis at this tyme, referring to your Majesties sacred discretioun what forder your Heynes wilbe pleasit to direct heirin. In the meanquhyle, in respect of his acknowlegeing his handwryte, according to your Majesties directioun ressavit in Marche last, we did then offer unto him that, whensoevir he will find souirtie and cautioun for observing of the conditionis sett doun thairin, we sall then gif warrand for his enlargement sax myllis aboute the said castell, being thus bold, with your Majesties pardoun heirwith, to offer our humble advise in not holding him worthie of forder libertie except he do yeild to some forder conformitye. Page 282. Alwayes, remitting this to your Majesties gratious censure, and expecting the returne of your Heynes pleasour heirin, whiche salbe to our utter poueris faithfullie and deutifullie executed, we pray God long to preserve your Majestie in helth and felicitie.—*Sic subscribitur:* Chancellor, Dunbar, Scone, Jo. Prestoun, A. Hay."[1]

Royal Letters, 1604–1612.

Edinburgh, 26th June 1610. Letter from the Council of Scotland to the Council of England, recommending precautions for the greater safety of his Majesty while taking recreation on the fields, and enforcing the necessity of these by reference to a recent assassination.

"Most noble and oure most honnorable good Lordis:—We mon first intreat your Lordshipis not to tak ony suspitioun at all that evir ony doubt hes bene in ony of our hairtis of your vigilant cair and continewall thoght in the heyghest degree for our most gratious Soverane his saiftie and preservatioun, althocht that we,—in suche a perrellous tyme, when monarchis and princes assassinaatts ar conspired and in a maner divilische divoted and consecreted under heich mistereis and sacramentis,—for testificatioun of our dewty, in all affectioun of our hairtis, most earnestlie recommend the same unto your Lordshipis. As that grite jowell, our dread Soverane and gratious Lord, schynis daylie in your sicht and eyis, so will his rair verteuis no doubt kendle in your myndis ane ardent zeall to preserve by

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[1] This interview with the Marquis of Huntly in his prison in Stirling Castle had been one of the consequences of the late all-important General Assembly of the Kirk which had sat at Glasgow from the 8th to the 11th of June (see *ante*, p. 473, footnote). Among the miscellaneous pieces of business brought before that Assembly had been a petition from the Marquis of Huntly for absolution from his excommunication; and the Assembly had expressed a willingness to grant the petition on satisfactory evidence that the Marquis had seen his errors, and was convinced now of the true faith. Hence the visit to him here described. Spotswood informs us (p. 513) that he and the Bishops of Caithness and Orkney accompanied the deputation of lay Councillors in their visit.

Royal Letters, 1604–1612.

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all possible meanis his sacred persone from all dangeris and inconvenientis, specialie being walkynned by so recent horrible and abhominable ane fact committed in the nixt adjacent kingdome.[1] We ar ressounablie weill acquentit with the grandeur and splendeur of your Estait, whiche God hes providit in all honnour and dignitie with sufficient ordinary meanes for the saufgaird and suirtie of ony earthlie Prince. The gritest scruple whiche we apprehend, and whiche [we] haif thoght meete to be communicat be us to your Lordshipis at this occasioun, is this,—that our most gratious Soverayne, in his ordinary exercise and sport on the feildis, whiche his Majestie usis for his helth and recreatioun of his princelie spirittis efter his grit cair in disposing and ordouring the affairis of his Estait, is so single and slendarlie accompanyed as verie oft few personis of rank or qualitie ar sene to attend his sacred persone,—the innocencie and integritie of his royall hairt suffering no suspitioun nor feare to possesse him of ony suche desperat accidentis as may occur. Bot we, as feeling and sensible memberis of the danger and perrell which by this occasioun may befall to our glorious head and soverane Lord, ar movit, out of the fear and suspitioun whiche possesses our hairtis, to requeist your Lordshipis, in your singular wisdomes, and in remembrence of the extraordinary and detestable accident whiche by [*i.e.* beyond] all expectatioun befell the Frensche King, to tak some suche solid and good course as ane substantious saufgaird and attendance may be haid over his Majesteis sacred persone at all tymes when his Majestie sall go abroad. Assuiring your good Lordshipis that to this effect in speciall, or ony uther point of his Majestie his service for the preservatioun of his royall persone, dignitie royall, and estait, we salbe reddie to imploy our personis, lyves, goodis, and whatevir els it hes pleasit God to bestow upoun us, and so hoiping your Lordships will tak in good pairt this testificatioun of our mynd anent that whiche we ar certane is derar to you nor your awine lyves, and praying God to inspyre your Lordshipis in this with some good resolutioun, and prosper you in all your noble and worthie deseynes, we rest, etc.,—Al., Cancellarius, Dunbar, Jo. Prestoun, Alexander Hay, R. Cokburne, J. Cokburne, Sir T. Hammyltoun.—To our noble and verie honnorabill goode Lordis, the Lordis of his Majesteis Privie Counsell of the Kingdome of England."

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"Traist freind, after our hairtlie commendationis:—Upoun informatioun gevin unto us that some pirottis, who has keept the sayis this lang tyme bigane and committit divers spoillis alsweele upoun his Majesteis awne subjectis as upoun strangeiris, ar now come to that cuntrey with thair two schippis, and hantis publictlie in the towne of Kirkwall and utheris pairtis of the cuntrey at thair pleasour, we haif moved your bruther, the Erll of Orknay, to write unto you for the persute and apprehensioun of thir lymmaris and exhibitioun of thame to thair tryale. This is a mater

Edinburgh, 27th June 1610. Letter from the Council to Mr James Stewart, brother of the Earl of Orkney, requesting him to apprehend some pirates who have come to Orkney.

[1] The assassination meant is that of Henry IV. of France by the fanatic Ravaillac on the 14th of May 1610.

whiche heichlie concernis his Majesties service, and wherin his Majestie is very far contempnit, in so far as ony theif or pyrott, especialie his Majesties awne subjectis, dar presome in his Heynes awne watteris to committ suche robrie and spoyll upoun lauchfull subjectis. And thairfoir we haif heirby thoght meete to recommend this mater unto your cair and diligence, willing and desyring you, as you respect your awne weele and your brutheris credite, that you will haif a speciall cair of this mater, and that you will use the pouer and forceis of that cuntrey for the apprehending of thir lymmaris and of thair shippis. Wherein yf ony inconvenient sal happin to fall oute, and that ony of thir lymmaris, refuseing to be tane, sal happin to be hurte, slane, or mutilat, you sall thairby incur no dangeir, and no suche cryme salbe layed to your chairge. So, lookeing that in this particulair, whiche so heichlie concernis his Majesties service, you will discharge that dewytie whiche becometh you, we bid you fairweele, and restis your very loving freindis,—A., Cancellarius, Dumbar." Royal Letters, 1604-1612.

ACTS OF CAUTION.

A.D. 1607–1610.

ACTS OF CAUTION.

Acta Cautionis 1607–1609. Fol. 202, b.

Caution by David Leslie of Otterstoun, for Patrik, Lord of Lendoris, 10,000 merks, not to harm the magistrates and inhabitants of Perth. Edinburgh, 2nd Nov. Lord of Lindores.

Johne Maxvell of Conhaith, for William Maxvell of Cowhill, not to reset or intercommune with Homer Maxvell of Garshalloch, Thomas Kirkpatrik of Glaideholme, William Kirkpatrik, apparent of Kirkmichaell, Edward Wallace, Johne Wallace, Thomas Wallace, Gilbert Wallace, Reid Sandie Wallace in Carryeill, Johne Wallace in Dunkow, Andro Ireland, Agnes Ireland, Robert and William Fresallis, and William Maxvell in Kelbeine, Johne Charteris in Ryddingwood, James Maxvell in Dunkow, Johne Carny there, Homer Ireland there, Gilbert Wilsone (? Robsone,) Johne Wilsone in Halthrone, Homour Laurie, Johne Wilsone (? Robsoun) at the Brigend, Alyce Harper, Johne Wilsone, called "Guddeis Jack," Johne Wilsone in the Nuke, James Wallace, James Lockarbie, James Aiken, Adame Wallace, Florence Abeck (Bek), Nicoll Wilsone, Johne Wilsoun, Johne Adie, weaver, Robert Wilsone, Johne Wilsone in Tounhead, Thomas Beck *alias* the Laird, Homour Ireland, David Thomsone in Querrewod, Nicoll Thomsone there, Johne Thomsone of Know, Andro and Hector Thomsonis, William Robsone in Tounhead, Johne Thomsone and Alexander Robertsone there, Johne Robsone, Johne Hunter, Johne Wallace, Robert Nicolsone, Rodger Robsono, Katherne Lockarbie, Robert Newlandis of that Ilk, Alexander Fergusone of the Ile, while they lie at the horn, at the instance of Alexander Stewart, son of Alexander, Lord Stewart of Garleis, and the said Lord Garleis as administrator to him. Edinburgh, 6th Nov. Maxwell of Cowhill.

Fol. 203, a.

Johne Mubra of Croftangrie, for Thomas Steuart in Nether Cramond, £500, not to harm Alexander Dowglas of Nether Cramond, macer. Thomas Stewart.

Fol. 203, b.

Ronnald Murray, merchant, burgess of Edinburgh, for the master, skipper, and mariners of the "Angell," and for the owners of the tallow arrested in her, to sell the said tallow in this country. Skipper and owners of the "Angell."

Alexander M°Brek, burgess of Perth, for Adam Shoir, writer, 500 merks, not to harm Thomas Young, deacon of the tailors, burgess of Perth. The band, registered by Adame Cunynghame, is subscribed at Perthe, 31st October, before Robert Billie, burgess of Perth, and Alexander M°Brek, younger, the surety's son. Adam Shore.

Fol. 204, a.

Patrik Young and William Williamsone, burgesses of Dumfreis, for Roger Kirkpatrik and Johne Corsane, bailies of Dumfreis, 200 merks Edinburgh, 11th Nov. Roger Kirkpatrick and John Corsan.

each, not to reset or intercommune with Homer Maxvell of Carneshallo and his accomplices foresaid (*ante*, p. 631), denounced on 27th April last for not paying to Alexander Stewart and his father the sums recovered against them by a decree before the Commissary of Dumfreis on 15th August 1606. The band, registered by Adame Cuynghame, advocate, and written by Herbert Cunnynghame, notary, at Dumfreis, is subscribed there 9th November, before Stephane Browne and Andro Cunynghame, burgesses of Dumfreis, George Maxwell, writer, and Johne Batie, servitor to the said Herbert,—Herbert Cunnynghame and Robert Cunnynghame, notaries, subscribing for William Williamsone. Acta Caut. 1607-1609.

Edinburgh, 12th Nov. Earl of Crawford.

Johne, Lord Lindesay, for David, Earl of Crawford, £5000, to answer before the Council, on 15th December next, to the complaint against him by Sir Thomas Hammyltoun of Bynnie, King's Advocate, touching the slaughter of Sir Walter Lindesy of Balgayis. Fol. 204, b.

Cumming of Earnside.

James Grant of Easter Elcheis, for the Honourable Johne Cumyng of Irnesyd, £1000, not to harm Elizabaith Home, prioress of St. Bothens, conform to the King's letters, dated 30th July 1607. The band, registered by Archibald Boyd, advocate, and written by Andro Innes, servitor to George Annand, notary public, burgess of Elgin, is subscribed at Skeirdustan, 22nd October, before George Cumeing, servitor to the principal, Thomas Buchan, "my servitour," and the said writer hereof. Fol. 205, a.

Provost and Bailies of Perth.

Johne, Earl of Tullibairdin, for David, Lord of Scone, provost of Perth, and for the bailies of the said burgh, this present year and during the preceding year, 10,000 merks, to keep the King's peace till 7th January next, and not to harm Patrik, Lord of Lendoris, or any of his friends. The band, registered by Mr Alexander Peiblis, advocate, and written by Patrik Brusone, writer in Perth, is subscribed at Perth and Drumfade 9th November before Henrie Leyis, burgess of Perth, Patrik Drummond, William Many, notary, the said writer hereof, and Andro Malloch in Perth,—Henry Elder, common clerk of Perth, subscribing for Gabriell Merser, one of the bailies of Perth. Fol. 205, b.

Edinburgh, 14th Nov. Andrew Gardiner.

Andro Aytoun, brother of Mr Johne Aytoun of Kynnaty, for Andro Gardner in the west mill of Levin, 300 merks, not to kill in forbidden time red fish, smolts, or fry, in the water of Levin. Fol. 206, b.

Richard Robertson and others.

To the same effect Robert Durie of that Ilk for Richard Robertsone in Cauldcoittis, Andro Walker there, George Philp there, Johne Gardner in Balgony, Walter Heriot, miller there, and James Dalrumple in Shethum, 300 merks each. The band, registered by Mr William Oliphant of Newton, advocate, and written by Mr Andro Aytoun, his servitor, is subscribed at Durie, 13th November, before Andro Aytoun, Mr Robert Durie, and Johne Lundy.

William Rankine and others.

Alexander Crawfurd of Kerse, for William Rankene of Sheill, Johne Crawfurd in Knokshynnoch, David Craufurd, son of the said Johne, Alexander Craufurd in Burne, "my servitouris," 300 merks each, not to reset or intercommune with George Craufurd of Auchincors, William Craufurd, his son, William Carmichaell, younger of Reidmyre, Johne Carmichaell, Fol. 207, a.

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his brother, Robert Oliphant, servitor to the captain of Crawfurd, William Moffett, called of Grantoun, Johne Williamsone, son of the late Robert Williamsone of Glendork, rebels, while they remain at the horn. The band, registered by Mr Patrik Forrester, advocate, and written by William Bryane, notary, is subscribed at the Kers, 12th November, before Harie Cunynghame of Heidmerk, Mathew Pennagow, brother of Hew Pennagow in Damnacow, Alexander Daw, "my servand," Johne Cathcart in Dalmelridgtoun,—the said notary subscribing for William Rankyne and Johne Crawfurd, who cannot write.

Fol. 207, b. William Rankene of Sheill, for the Right Honourable Alexander Crawford of Kerse. Craufurd of Kerse, £500, not to reset George Crawfurd of Auchincors and his accomplices named in the Act before last. The band is registered as in that Act, but without Alexander Daw as witness.

Fol. 208, a. Patrik Porteous of Halkschaw for Elizabeth Scot, Lady Craufurd, 500 merks, to answer before the Council, on 10th November next, to a complaint against her by Alexander Carmichaell of Burnehouse, for coming with her accomplices to the barnyard of Burnehouse, and reiving furth thereof a great quantity of stacked corns belonging to the said Alexander, and destroying the same in the water of Garf. Edinburgh, 16th Nov. Elizabeth Scott, Lady Crawford.

Mr Robert Narne, advocate, for Sir James Skrymgeour of Dudhoip, to pay to the Treasurer 100 merks for his escheat goods within 40 days hereof, or else to report nullity of the horning used against him at the instance of Patrik, master of Gray, sheriff of Angus, and Patrik, Lord of Lendoris, anent the payment of his part of the first term's payment of the present taxation. Edinburgh, 21st Nov. Constable of Dundee.

Fol. 208, b. Johne Peiblis of Knodgerhill, for Hew Montgomrie of Auchinheid, not to harm James Reid, sometime in Eglishame, under the pains in the King's letters. The band, registered by Mr Johne Dauling, advocate, and written by Johne Neilsone, notary, is subscribed at Irwene, 16th November, before Alexander Cunynghame, writer, Alexander Crichtoun, his servitor, and said writer hereof. Hew Montgomery.

Fol. 209, a. Archibald Watsone, burgess of Aberdene, for Thomas Fraser, brother of Andro Fraser of Stonywod, 1000 merks, not to harm Alexander Irwing of Drum, Mr Robert Irwing, William and Johne Irwingis, his brothers, or Johne Irwing, elder of Pitmurchill, conform to the King's letters, dated at Edinburgh, 5th November 1607. The band, registered by Mr Robert Lermonth, advocate, and written by Johne Hunter, writer in Aberdene, is subscribed at Aberdene 18th November, before Mr Patrik Cheyne and Patik Barbour, burgesses of Aberdene, James Davidsone, notary public, Gavin Cruikshank, his servitor, and said writer hereof. Edinburgh, 23rd Nov. Thomas Fraser.

Fol. 209, b. Syme Ellot, called of Dodburne, as principal, and Archibald Ellot of Clintwood and Michaell Ellot in Dodburne, as sureties, said Michaell as principal and the other two as sureties, and said three for Archibald Ellot in Dokcleuch, 400 merks each, not to harm Gavin Ellot of Burgh. Edinburgh, 25th Nov. Archibald Elliot and others.

Fol. 210, a. Sir George Home of Broxmouth, for Mr Williame Hoig, minister at Aytoun, moderator of the presbytery of Chirnsyde, and Mr Johne Edinburgh, 27th Nov. Mr William Hogg, and Mr John Hepburn.

Hepburne, minister at Cranishawis, moderator of the presbytery of Duns, either of them in £1000, to renounce their moderation of the said presbyteries by 10th December next, on which day they are to report to the Council an Act containing their demission. Acta Caut. 1607-1609.

Andrew Crawford.

James Johnstoun, burgess of Air, for Andro Craufurd of Dringis, 300 merks, not to reset George Crawfurd of Auchincors, or any of his accomplices foresaid (*ante*, p. 632), during their rebellion and non-compearance to answer the complaint of William Cunynghame of Capringtoun.

Patrick Halket.

Sir Robert Halket of Pitfirren for Patrik Halket, his brother, £1000, to answer before the Council, on 10th December next, to the complaint against him by the King's Advocate and Andro Wardlaw of Torrie, for wounding Robert Ladaich, servitor to the Laird of Torrie, and bearing a pistolet; also for pursuing David Kynnynmonth of Glennestoun with a drawn sword, and slaying his horse therewith; and farther to pay to the Treasurer £20 for his escheat within 40 days hereof. Fol. 210, b.

Edinburgh, 28th Nov. John Crawford.

William Crawfurd, in Alloway, for Johne Crawfurd of Goldrig, 300 merks, not to reset George Craufurd of Auchincors, or any of his accomplices foresaid (*ante*, p. 632), during their rebellion. Fol. 211, a.

Earl of Angus.

Thomas Ainslie of Cleithauch, for William, Earl of Angus, £1000, to buy from Sir Michaell Balfour of Burlie, Colonel Barthilmo Balfour, or their factors, the legal outfit of arms. The band, registered by Mr Laurence McGill, advocate, and written by George Thomsone, notary, in Duns, is subscribed at Prestoun in the Merse, 24th November, before Johne Colwill in Prestoun, Robert Dowglas and Richard Fergusone, servitors to the Earl of Angus, and said writer hereof.

Edinburgh, 30th Nov. John Leslie.

Andro Leslie of Brigend, for Johne Leslie in Durnoch, not to reset George Leslie of Oldcraig, Johnne Meldrum of Ordley, or Alexander Leslie, brother of Johnne Leslie of Pitcapill, conform to the charge given by James Merchell, messenger, under the pains in the King's letters. The band, registered by George Abernethie, advocate, and written by George Barclay, notary public, is subscribed at Innerrowrie, 25th November, before Normond Leslie, bailie of Inverrowrie, Walter Innes of Hardtoun, Thomas Bruce, messenger, and said notary,—the last subscribing for Johnne Leslie. Fol. 211, b.

Andrew Leslie.

William Leslie of Tocher, for Andro Leslie of Brigend, 300 merks, to the same effect. The band, registered by George Abirnethie, advocate, and written by David Patirsone, notary public, is subscribed at Coupar, 29th November, before Mr Johnne Horne of Balgownie, Mr William Moir, burgess of Abirdene, Alexander Sifwricht, servitor to the said Mr Johne, and said writer hereof. Fol. 212, a.

Edinburgh, 4th Dec. Leslie of Pitcaple and others.

Mr Johnne Cheyne of Pitfichie, for Johnne Leslie of Petcaple, £500, and for Andro Leslie in Crymond, and George Leslie in New-mill of Crymond, 300 merks each, to the same effect. The band, registered by Mr Alexander Peblis, advocate, and written by James Murray, notary public, is subscribed at Petpequhie, 28th November, before George Fol. 212, b.

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Seatoun of Schethin, Alexander Lyoun in Hilbray, David Bell, mason, and said writer hereof.

Fol. 213, a.

Hew Kennedy of Areis, for Johne Kennedy of Blairquhan, 3000 merks, not to harm William M^cKenquhy. The band, registered by Mr Lourence M^cGill, advocate, and written by Robert Buchane, his servitor, is subscribed at Blairquhan 30th November, before Edmond Sasillis and Johnne Kennedy in Garfer. Edinburgh, 5th Dec. Kennedy of Blairquhan.

Fol. 213, b.

David Litle of Badinsgill, for Alexander Dowglas of Nether Crawmond, £500, not to harm Harie Stewart in Cragyhall, or Thomas or Johne Stewart in Nether Crawmond. Edinburgh, 7th Dec. Alexander Douglas.

George Leslie of Creichie, for Johne Leslie of Wairdes, £500, to Johne Leyth of Harthill, Patrik, Mr George, and William Leythis, his sons, not to reset Johne Meldrum of Ordley, George Leslie of Old Crage, or Alexander Leslie, brother of Johne Leslie of Pittcaple. The band, registered by George Abirnethie, advocate, and written by Mr Robert Paip, advocate, is subscribed at Aberdyne, 30th November, before William Leslie of Harlaw, Robert Spence of Coultis, Normound Arbuthnot, servitor to said Johne Leslie, said writer hereof, Mr William Chalmer, notary public, and Mr George Body, notary public. John Leslie of Wardes.

Fol. 214, a.

Johnne Leslie of Wardes, for George Leslie of Crechie, £500, and for Normond Arbuthnot, "my servand," 300 merks, to the same effect. The band, registered by George Abernethie, advocate, and written by William Cordoner, servitor to Mr Robert Pape, advocate in Aberdene, is subscribed at Aberdene 30th November, before Robert Spence of Cultis, William Leslie, brother of the Laird of Wardes, William Gordoun, Mr William Chalmer, and Mr George Body. George Leslie and Norman Arbuthnot.

Fol. 214, b.

George Irwing of Tulloch, for Robert Spens of Cultis, 300 merks, to the same effect. The band, registered by Mr David Chalmer, advocate, and written by Johnne Leslie, notary, is subscribed at Auchingoull, 26th November, before Johnne Spens, fiar of Boddum, Normond Leslie, brother of Johnne Leslie of Wardes, James Irwing, brother of the said George, Mr Johne Horne and Johne Leslie, notaries public, and Patrik Thomesone. Edinburgh, 8th Dec. Robert Spence.

Fol. 215, a.

Johne, Lord Lindesay, for David, Earl of Crawfurd, £5000, to answer before the Council, on 7th January next, to a complaint by Sir Thomas Hammyltoun of Bynnie, King's Advocate, touching the slaughter of Sir Walter Lindesay. Edinburgh, 12th Dec. Earl of Crawford.

Sir Robert Doglas of Glenbervie, for William Forbes of Monymusk, elder, and William Forbes of Monymusk, younger, £2000 each, and for Alexander, Johne, and Robert, sons of William, elder, Robert Forbes in Inver, and William Forbes, his son, 1000 merks each, not to harm Alexander Irwing of Drum, Mr Robert Irwing, William, James, and Johne Irwingis, his brothers, or Johne Irwing, elder of Pitmurthie. The band, registered by Mr Alexander Peiblis, advocate, and written by Lawrence Keir, servitor to Clerk of Council, is subscribed at Glenbervie, 12th December, before Johne Wishart, notary public, Johne Duncane, servitor to surety, Johne Forbes and Patrik Legane, servitors to William Forbes of Monymusk, and James Murray, notary public. Edinburgh, 13th Dec. Forbes of Monymusk and others.

Edinburgh. 15th Dec. Forbes of Barns and his son.

Arthour, Lord Forbes, for Johne Forbes of Barnes, and William Forbes, apparent of Barnes, not to harm Alexander Irwing of Drum, Mr Robert Irwing, James, William, and Johne Irwingis, his brothers, or Johne Irwing, elder of Pitmurthie, under the pains in the King's letters of date at Edinburgh 5th November 1607. The band, registered by Mr Patrik Forrester, advocate, and written by George Barroun, notary public in Aberdyne, is subscribed at Aberdyne, 9th December, before Johne Forbes, apparent of Echt, William Leslie, his servitor, William Forbes, elder, burgess of Aberdyne, Thomas Burnet, and said writer hereof. Acta Caut. 1607–1609. Fol. 215, a.

Edinburgh, 17th Dec. Patrick Forbes.

Williame Forbes of Corsindae, for Patrik Forbes in Thanistoun, 1000 merks, not to harm Alexander Irwing of Drum, and his forementioned colleagues. The band, registered by Mr Robert Lermonth, advocate, is subscribed at Corsindae, 10th December, before Johne Forbes of Gask, Robert Bruce, Johne Forbes, servitor to the surety, and Robert Myll, writer hereof. Fol. 215, b.

Forbes of Corsindae.

James Mortymer of Auchquharthes, fiar of Cragywar, for William Forbes of Corsinda, £2000, to the same effect. The band, registered by Mr Robert Lermonth, advocate, is subscribed at Corsinda, 7th December, before James Gariauch of Kingstarie, Robert, Commendator of Monymusk, Johne Gariauch in Brounfield of Corsinda, Alexander Mortimer, Robert Mill, writer hereof, and Johne Robertsone, notary public. Fol. 216, a.

Edinburgh, 18th Dec. Kennedy of Blairquhan.

Hew Kennedy of Areis, for Johne Kennedy of Blairquhan, 3000 merks, not to harm Mathew Stewart of Dunduff. The band, registered by Mr Lourence M°Gill, advocate, and written by Robert Campbell, notary public, is subscribed at Blairquhen, 14th December, before Mr Mathew Reid, minister at Kirkynner, Johnne Pringle, and Johnne Kennedy, servitors to the Laird of Blairquhen, and said writer hereof. Fol. 216, b.

Edinburgh, 21st Dec. John Stewart.

Johne Wallace of Carreyeild for Johnne Stewart of Camer, 1000 merks, not to harm David Irwing in Drumfreis, Marione Newlandis, his spouse, or Johne Irwing, their son. The band, registered by Mr Johnne Shairp, advocate, and written by Cuthbert Cunynghame, notary burgess of Drumfreis, is subscribed at Drumfreis, 16th December, before Alexander Wallace, surety's brother, Robert Maxwell in Kirkmaho, notary, and William Maxwell, his son. Fol. 217, a.

Edinburgh, 23rd Dec. John Watson.

Mr William Ramsay of Tratoun for Johne Watsone in Brekmond, £500, not to harm David Dick in Pursk, or Robert and Alexander Dickis, his sons. Fol. 217, b.

Robert Forbes.

Johne Forbes of Walterecht, for Robert Forbes in Tolmaddis, 1000 merks, not to harm Alexander Irwing of Drum, Mr Robert Irwing of Moncoffer, Johne Irwing of Artamfurt, James Irwing and Johne Irwing, his brothers, or Johne Irwing of Pitmurthie, elder. The band, registered by Mr Robert Lermont, advocate, is subscribed at Eyght, 15th December, before Mark Burnett, Johne Coultis, George Forsyth, and Alexander Duncane.

Edinburgh, 26th Dec. Abraham and Robert Forbes.

Robert, Commendator of Monymusk, for Abrahame Forbes of Blaktoun, £2000, and for Robert Forbes, his son natural, 1000 merks, to the same Fol. 218, b.

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effect. The band, registered by Mr Alexander Cuming, advocate, and written by Gilbert Chalmer, writer in Aberdene, is subscribed at Aberdene 11th December, before Johne Duff, servitor to James Ogilvie of Birnes, James Thome in the Kirktoun of Skeene, Mr Robert Davidsone, burgess of Aberdene, notary public, Johne Gordoun, his servitor, George Gordoun of Coclarchy, and George Jope, notary public.

Fol. 219, a.

Abrahame Forbes of Blaktoun for Robert, Commendator of Monymusk, £2000, to the same effect. The band, registered by Mr Alexander Cuming, advocate, and written by Johne Gordoun, servitor to Mr Robert Davidsoun in Abirdene, is subscribed at Abirdene 11th December, and at , before Johnne Duff, James Thome in the Kirktoun of Skene, Mr Robert Davidsoun, notary public, said writer hereof, George Jope, notary, and George Gordoun of Coclarchy. Prior of Monymusk.

Fol. 219, b.

Mr Duncane Forbes of Balnagask for Johnne Forbes of Camphill, £1000, to the same effect. The band, registered by Mr Robert Leirmonth, advocate, is subscribed at Abirdene, 19th December, before James Donaldsone, burgess of Aberdene, James Davidsone, notary public, Gawne Cruikshank, writer hereof, and Mr William Davidsone, son of Mr Alexander Davidsone in Kintore. John Forbes of Camphill.

Fol. 220, a.

Williame Forbes of Corsindae, for Johne Johnstoun in Auchtreny, Johne Forbes in Mylnebuy, James Forbes, his son, William Forbes, son of Mr James Forbes in Auchincloich, 1000 merks each, to the same effect. The band, registered by Mr Robert Lermonth, advocate, is subscribed at Corsindae, 19th December, before Johne Gariouch in Brounfaldis of Corsindae, Johne Forbes, son of William Forbes of Corsindae, Mr James Forbes in Auchincloich, Johne Cashny, notary, and Robert Mill, writer hereof,—James Forbes and James Chusny, notaries, subscribing for Johne Forbes. John Johnstone and others.

Fol. 220, b.

Johne Hay of Knapislisk, for Robert Keith of Auchmather, and Mr James Keith of Auchreny, his brother, not to reset William Keith in Auldmaid, or William Burnet, eldest son of Alexander Burnet of Skillimarne, while at the horn for the slaughter of Johne Fynnie. Edinburgh, 31st Dec. Robert and Mr James Keith.

Johne Forbes, elder of Old Wester Echt, for Robert Forbes, portioner of Fynnarseis, £1000, and for Robert Forbes, uncle of the Laird of Echt, 1000 merks, not to harm Alexander Irwing of Drum, or any of his colleagues mentioned in preceding Acts. The band, registered by Mr Robert Leirmonth, advocate, and written by Johne Chusny, notary public, is subscribed at Old Wester Echt, 24th December, before Patrik Forbes, son of George Forbes in Sonihome, Johne Forbes, son of the said Johne Forbes, Johne Forbes, servitor to William Forbes of Corsinda, and said writer hereof. Robert and Robert Forbes.

Fol. 221, a.

Sir George Touris of Inverleyth, and David Kynimonth of that Ilk (Craghall), for Patrik Hackett, brother of the Laird of Pitfirrane, £2000, not to harm Andro Wardlaw of Torrie, and also to answer before the Council when charged,—Sir Robert Hackett of Pitfirrane becoming surety in relief. Edinburgh, 2nd Jan. 1608. Patrick Halket.

David Dick. James Carnegy, portioner of Dinichin, for David Dick in the Pursk, £500, not to harm Johne Watsone in Brackmouth. The band, registered by Mr William Dowglas, advocate, and written by Robert Neilsoun, servitor to Sir David Carnegy of Kynnaird, is subscribed at Leuchiris, 31st December, before Mr Alexander Bruice, Alexander Strauchauchsone, and Andro Sinclar, servitor to the said Sir David. Acta Caut. 1607-1609. Fol. 221, b.

Edinburgh, 5th Jan. 1608. Mr Henry Anderson and Alexander Brown. Johne Smyth, merchant, burgess of Edinburgh, for Mr Hendrie Andersone and Alexander Broun, merchants, burgesses of Perth, to pay to James Adamsone, merchant, burgess of Perth, and sometime customer thereof, the customs of the goods imported by them, as follows:—viz., Andersone, the customs of (1) the half ladings of timber brought home by him in the ship called the Meyflour, (2) "ane pype of plumdalmes and ane barekin of honney," (3) 400 ells of woollen cloth: Broun the custom of the other half ladings of timber brought home by him in the said ship called the "Meyflour." Fol. 222, a.

Walter Scott. Robert Scot of Hannyng, for Walter Scot, called of Burnfute, 3000 merks, to answer before the Council when warned,—the said principal and Robert Scot of Sheilliswood becoming sureties in relief. Fol. 222, b.

Homer Maxwell and William Heron. Edward Maxwell of Trosten, for Homer Maxwell of Spedoch, commissary of Dumfries, 500 merks, and for William Herone in Spedoch, his tenant, 200 merks, not to harm Adam and Masie Kirkcois in . The band, registered by Mr Alexander McGill, advocate, and written by Johnne Chairterous, writer, is subscribed at Drumfreis, 2nd January, before Mr Harbert Gledstanes, schoolmaster, Robert Maxwell, notary, said writer hereof, William Maxwell, brother natural of the said Homer, and Cuthbert Cunynghame, notary. Fol. 223, a.

Edinburgh, 8th January. Gordon of Abergeldie. Patrik Mortimer of Enzean, for Mr William Gordoun of Aberzeldie, £1000, to enter before the Council, when charged, Patrik Ewne, Findla Dow, and Johne Donnald in Strathdie, to answer the complaint of James Fentoun of Ogill, and William Johnstoun, his tenant; also to pay to the Treasurer £100 for his escheat goods, within 40 days hereof. Fol. 223, b.

Archibald Wauchop. William Wauchop of Stotancleuch and William Wauchop in Dudingstoun, for Archibald Wauchop, son of Archibald Wauchop in Dudingstoun, 500 merks, to answer before the Council on 21st instant for assaulting Robert Ker in Dudingstoun, and leaving him for dead; also to pay, within 40 days hereof, £20 to the Treasurer for his escheat goods.

Earl of Crawford. Johne, Lord Lindesey, for David, Earl of Crawfurd, £5000 to answer to the complaint of Sir Thomas Hammyltoun of Bynnie, King's Advocate, before the Council, on 4th February next, touching the slaughter of Sir Walter Lindesay. Fol. 224, a.

Gordon of Abergeldie. George Crawfurd of Annachie, for William Gordoun of Aberzeldie, £1000, as in the previous Act of this day,—Patrik Mortimer of Enzean becoming surety in relief.

Edinburgh, 9th January. Thomas Anderson. Coline Campbell of Lundie, for Thomas Andersone in the Kirktoun of Lundie, 1000 merks, not to harm Johne Drumond of Over Smythostoun. The band, registered and written by Mr Alexander Cuming, advocate, is Fol. 224, b.

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subscribed at Edinburgh, 9th January, before Mr Thomas Low, Thomas Grahame and Gilbert Grahame, "my servitoris."

Fol. 225, a. Robert Mure of Caldwall for Alexander Mure, his brother natural, not to harm Johne Garvane, under the pains in the King's letters. The band, registered by Robert Hammyltoun, advocate, is subscribed at Irwing, 8th January, before Johne Blair of that Ilk, Johne Merschell of Dykis, Alexander Cochrane of that Ilk, and William Mure of Glendistoun, writer hereof,—Johne Merchell, notary public, subscribing for the principal. Edinburgh, 11th January. Alexander Mure.

Fol. 225, b. Adam Aslos of that Ilk, for William Crawfurde in Beinscroft, and Robert Crawfurd, elder in Nethertoun, *alias* the "Sonsieman," 1000 merks each, and for Johne and William Crawfurdis, sons of said William Crawfurd, £500 each, not to harm Johne Andro, mason in Edinburgh, conform to the King's letters dated at Edinburgh 23rd December 1607. The band, registered by Laurence Scott, advocate, and written by Archibald Gillespie, notary, is subscribed at Kilmarnok, 7th January, before Johne Crawfurd of Crawfurdland, Johne Crawfurd, his son, and Mungo Mure, his servitor,—Gillespie subscribing for Robert Crawfurd. William Crawford and others.

Fol. 226, b. Williame Forbes of Corsindae, for George Forbes of Sunhinny, and James and Patrik Forbessis, his sons, 1000 merks each, not to harm Alexander Irwing of Drum, Mr Robert, William, James, and Johne Irwingis, his brothers, or Johne Irwing, elder of Pitmurthie. The band, registered by Mr Robert Lermonth, advocate, is subscribed at Corsinda, 7th January, before William Gordoun of Sauchin, Mr Johne Ros, minister at Cluny, Johne Gariauch in Bromefeild of Corsindae, Johne Gordoun, and Robert Mill, writer hereof,—John Chusny, notary public, subscribing for George Forbes. Edinburgh, 13th January. George Forbes and his sons.

Fol. 227, a. Henry Bonar of Lumquhatsmill, for Alexander Kincragie of Haltounhill, 1000 merks, not to harm James Leslie, fiar of Otterstoun, Patrik Broun, his servant, Robert Dunbar, or David Benis; also to pay to the Treasurer £40 for his escheat goods in case he has any outside the regality of Lendoris. Edinburgh, 14th January. Alexander Kincraigy.

Fol. 227, b. Richard Stirk, portioner of Auchtermuchtie, and Alexander Seatoun, portioner of Stramiglo, for William Allerdes, portioner of Kincragy, 500 merks, to answer before the Council, on 4th February next, for coming at night to the dwelling house of Walter Duncane of purpose to slay him, and for wounding his spouse; also to pay to the Treasurer £40 for his escheat within 40 days hereof. Edinburgh, 15th January. William Allardice.

Hew Montgomrie of Smythistoun, for William Montgomrie, his brother, 500 merks, not to harm Mr Johne Garven. Edinburgh, 16th January. William Montgomery.

Fol. 228, a. James Carnegy, portioner of Dinnichtane, for Robert and Alexander Dickis, sons of David Dick in the Milnetoun of Lewcharis, £500 each, not to harm Johne Watsoun in Brakmouth. The band, registered by Mr Alexander Moresoun, and written by Mr Alexander Bruce, is subscribed at Leucharis, 13th January, before Mr George Forster, Alexander Straquhan (Strachauchane), George Craw, servitors to Sir David Carnegy of Kynnaird. Robert and Alexander Dick.

Edinburgh, 19th January. David Kerr.

James Ker, portioner of Yettis, for David Ker, son of Thomas Ker in Dalcove, 300 merks, to answer before the Council, on 25th February, to complaint against him by Robert Hegie of Bemersyde, for coming to the parish kirk of Myretoun,—being Robert's parish kirk,—removing the seat furth thereof and breaking it to pieces; also to pay £20 for his escheat goods to the Treasurer if it be found that he is denounced rebel for the said cause. The band, registered by Mr Robert Cokburne, advocate, and written by Johnne Young, servitor to Johnne Young, writer, is subscribed at Edinburgh, 16th December 1607, before James Dowie, writer, George Bryce, his servant, and George Cunnynghame. Acta Caut. 1607–1609. Fol. 228, b.

Edinburgh, 23rd January. Sir Robert and William MacLellan.

Robert Cairnes of Tor, for Sir Robert M°Clelane of Bombie, 4000 merks, and for William M°Clellane of Glenshannoch, 2000 merks, not to harm William M°Clellane of Auchclane, Johne Broun, apparent of Laud, or William M°Clellane of Mullock.

Edinburgh, 25th January. William Hannay.

Roger Kirkpatrik and Johne Corsen, bailies of Drumfreis, and Thomas Raneing, burgess there, for William Hannay, also burgess there, 300 merks, not to harm Johne Dicksone, merchant, burgess there. Fol. 229, a.

Sir James Douglas and his son.

Sir James Dowglas of Drumlanerik, as principal, and William Dowglas, apparent of Drumlanerik, and William Menzeis, fiar of Castlehill, as sureties, 5000 merks, and said William, as principal, and the other two as sureties, 3000 merks, not to reset Johne, Lord Maxwell, or Robert Maxwell of Dynwiddy, during their rebellion. Fol. 229, b.

Edinburgh, 29th January. Bailies of Dumfries.

Johne Corsane and Roger Kirkpatrik, bailies of Drumfreis, and Thomas Raning, dean of guild there, for the remanent inhabitants of the said town, £1000, not to reset Lord Maxwell or Robert Maxwell of Dynwiddie, or take part with them in any of their actions.

Edinburgh, 30th January. Gilbert Cranston.

Johnne Cranstoun in Over Wood, Alexander Frenche, brother of late Robert French of Thornikis, and James Sandielandis in Girswall, for Gilbert Cranstoun, son of late George Cranstoun of Corsbie, 1000 merks, not to harm Adam Brounfeild, brother of Johnne Brounfeild in Gordoun Mains; also not to harm Edward Steill, younger in Gordoun, Thomas Home, smith there, Alexander Frenche in Thornydykis, Robert Johnestoun in Middlethird, Thomas Wat in Gordoun, or Waltir Diksoun there, under the pain of 500 merks. Fol. 230, a.

Edinburgh, 1st February. John Maxwell [? MacLellan].

Alexander Maxwell of Logane for Johne M°Clellane of Overlaw, 2000 merks, not to harm William M°Clellane of Auchcleane, Johne Broun of the Landis, or William M°Clellane in Mullok.

Edinburgh, 2nd February. John Maxwell.

Johne Maxwell of Conhaithe for Johne Maxwell of Keltoun, 500 merks, not to reset Johne, Lord Maxwell, or Robert Maxwell of Dynwiddie. Fol. 230, b.

Mure of Auchindrane.

Robert Mure of Cauldwell for James Mure, younger of Auchindrane, £1000, to answer before the Council, on 4th February next, to a complaint against him by Johnne, Earl of Cassillis, Hew Kennedy of Garriehorne, and the King's Advocate, for lying in wait with hagbuts and pistolets for the said Hew in the burgh of Air, and pursuing him for his life.

Edinburgh, 3rd February. Archibald Wauchop.

Sir Frances Wauchope of Nuddrie Marshall, for Archibald Wauchop, son of Archibald Wauchop in Dudistoun, 1000 merks, that, if freed from Fol. 231, a.

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his present ward in the Tolbooth of Edinburgh, he will re-enter therein when charged.

ol. 231, a.

James Dowglas of Torthorald, for Johne Carrutheris of Holmanes, 1000 merks, to enter in ward in the city of Sanctandrois by 3rd March next, and remain there till relieved. The band, registered by Mr Laurence M^cGill, advocate, and written by Laurence Keir, servitor to James Prymrois, clerk of Council, is subscribed at Holmanes, 18th January, before Johne Carlyle of Boytoche, George Inglis, servitor to my Lord Torthorwald, Johne Carrutheris, son and apparent heir of the said Johne, and William Carruther, his brother, inserter of the date and of names of witnesses. John Carruthers of Holmains.

ol. 231, b.

Alexander Colquhoun of Lus, and Cunynghame of Glengarnok, for James Hammyltoun of Avendaill, 3000 merks, and said James for Gavin Murray of Johnstounheid, 500 merks, not to harm Mathew Thomsone in Gallyfertour, Archibald Stevinsone there, Andro Torrens in Plewland, Johne Mure, elder, or Johne Mure, younger. Edinburgh, 4th February. James Hamilton and Gavin Murray.

ol. 232, a.

Johne, Lord Lindesay of Byres, for David, Earl of Crawfurd, £5000, to answer before the Council on 26th May next to the complaint of Sir Thomas Hammyltoun of Binnie, King's Advocate, touching the slaughter of Sir Walter Lindesay of Balgayis. Edinburgh, 5th February. Earl of Crawford.

Johnne Levenax of Callie, for Sir Robert M^cClellane of Bombye, 4000 merks, and for William M^cClellane of Glenschannoch, 2000 merks, not to harm Williame M^cClellane of Auchlane, Johnne Broun, apparent of Land, or William M^cClellane of Mulloch. The band, registered by Mr Alexander King, advocate, and written by Alexander Wylie, servitor to James Prymrois, clerk of Council, is subscribed at Kirkcudbricht, 29th January, before Johnne Levenax, apparent of Calie, James M^cClellane, apparent of Balmangane, Robert Carnis of Tor, Johnne Mekle, notary public, and Hew Moffet. Sir Robert MacLellan of Bomby.

l. 232, b.

Johne Maxwell of Conhaith, for William Maxwell of Cowhill, *et vice versa*, 1000 merks each, not to reset Johne, Lord Maxwell, or Robert Maxwell of Dynwiddie. Edinburgh, 6th February. William and John Maxwell.

l. 233, a.

Edward Maxwell of Hillis, for George Maxwell of Drumcolterane, £500, *et vice versa*, 1000 merks, and both for Sir Robert Maxwell of Spottis, 2000 merks, not to reset Lord Maxwell or Robert Maxwell of Dynwiddie, during their rebellion. George Maxwell and others.

William Gordoun of Aberzeldie, for Alexander Irwing of Drum, £2000, and the said Alexander for Mr Robert Irwing of Moncoffer, James, William, and Johne Irwingis, all the Laird of Drum's brothers, and for Johne Irwing, elder of Pitmurthie, £1000 each, not to harm Arthour, Lord Forbes, David Forbes of Puttachie, Johne Forbes of Pitsligo, William Forbes of Tolquhone, William Forbes of Corsinda, William Forbes of Monymusk, elder, William Forbes of Monymusk, younger, Forbes of Brux, Patrik Forbes of Cors, Johne Forbes of Bairnes, Johne Forbes of New, William Forbes of Logy, James Forbes of Lethintie, Robert Forbes, prior of Monymusk, Abrahame Forbes of Blaktoun, Alexander Forbes of Irvine of Drum and his brothers.

l. 233, b.

Fenzeis, Forbes, younger of Echt, Alexander Cadell of Eslowne, Johne Forbes, son of William Forbes of Logy, Forbes, younger of Bairnes, Patrik Forbes, apparent of Lithintie, William Forbes of Pulflug, Johne Forbes, his eldest son, William Gariauch, younger of Kilstare, Forbes of Tilligowne, Johne Forbes of Gask, Duncane Forbes of Byth, Forbes, his eldest son, Robert Forbes of Melleris, Johne Forbes of Pitmacadell, Mr James Forbes of Knaperna, Mr Walter Forbes of Mekle Achridie, Patrik Forbes, burgess of Aberdyene, Johne Forbes of Compbell, Duncane Forbes, his eldest son, Mr Duncane Forbes of Balnagask, William Forbes of Pittallachie, Johne Forbes of Baquhane, Robert Forbes of Fynnarsie, Johne Forbes in Mylbuy, James Forbes, his eldest son, Johne Johnstoun in Auchreny, Arthour Forbes of Balfour, Duncane Forbes, his eldest son, James and Arthour Forbessis, brothers natural of Arthour, Lord Forbes, Alexander, Johne, and Robert Forbessis, sons of the Laird of Monymusk, elder, William Forbes, called the "Duik," son of Polflug, Robert Forbes of Inver, William Forbes, his son, Hector Forbes of Auchlin, Mr James and Mr Alexander Forbessis, brothers of William Forbes of Corsinda, Robert Forbes, uncle of the Laird of Brux, Mr James and Duncane Forbessis, his sons, Alexander Forbes, son of late Alexander Forbes at the mill of Gellen, William Forbes of Gestorie, Mr William Forbes of Menie, burgess of Edinburgh, James Forbes, his brother, Patrik Forbes of Bithnie, Duncane Forbes, his son, William Forbes of Engeycht, Alexander Forbes of Balgrene, George Forbes of Shellader, Alexander Forbes of Colquihe, Patrik Forbes, son of Johne Forbes of Balquhane, Alexander Forbes, his brother, James Forbes of Ledmakay, Arthour Forbes in Boig, Alexander Forbes of Colquharie, Robert Forbes in the Glen, Arthour Forbes in Kinbittach, Johne Forbes of Fichlie, William Forbes of Stragirme, Johne Forbes of Tillikirrie, Robert Forbes of Tommadis, George Forbes of Sunchenney, James and Patrik Forbessis, his sons, Robert Forbes, younger, uncle to the Laird of Echt, Patrik Forbes in Tommadis, Alexander Lumisden of Clowa, Mr Thomas Lumisden in Craignithe, Patrik Forbes in Thanistoun, Patrik Forbes, called Long Patrik, Patrik Forbes of Ailhouswall, Ronnald, William, and Gilbert Forbessis, in Cartowie, Mr James Forbes in Auchincloich, William Forbes, his son, William Forbes in the Kirktoun of Skene, Robert Forbes, son natural of Abrahame Forbes of Blaktoun, Johne Forbes of Montgarie, Johne Forbes at the mill of Corsinda, Alexander Gariach in Mekle Indovie, Johne Caddell in Auchmurdo, Thomas Frissell, brother of the Laird of Mukall, William Strauchane of Glenkindie, Alexander Strauchane, fiar of Glenkindie, Alexander and Patrik Strachquhanes, his sons, and Forbes of Towie. The band, registered by Mr Thomas Pollok, advocate, and written by Alexander Irwing, servitor to the Laird of Drum, is subscribed at Drum and Ballogy 7th and 8th January before James Gordoun of Auchmull, Alexander Andersone in Bethleme, Mr Gilbert Ros, notary public, George Irwing, Gilbert Gray, and said writer hereof.

Acta Caut. 1607–1609.

Fol. 234, a.

Acta Caut. 1607–1609. Fol. 234, b.

Alexander Maxwell of Lagane, for Edward Maxwell of Tynwall, £1000, not to reset Johne, Lord Maxwell, or Robert Maxwell of Dynwiddie. Edinburgh, 8th February. Edward Maxwell

Fol. 235, a.

Edward Maxwell of Tynwall, for Homer Maxwell of Carnesalloch, 1000 merks, and for James Maxwell of Portrak, 500 merks, not to reset Lord Maxwell or Robert Maxwell of Dynwiddie, Thomas and James Maxwell.

Duncane Crawfurd of Castlehill, for William Crawfurd of Camlarg, 400 merks, not to reset George Crawfurd of Auchincroce, William Craufurd, his second son, William Carmichaell, son of William Carmichaell of Rydemyre, Johne Carmichaell, his brother, Robert Oliphant, servitor to the Captain of Crawfurd, William Moffet, called of Grantoun, or Johne Williamsone, son of late Robert Williamsone of Glendork, denounced at the instance of William Cunnynghame of Capringtoun, and Laurence Murdoch, his tenant of Brochloch. William Crawford.

Williame Crawfurd of Camlarg, for Duncane Crawfurd of Castelhill, 400 merks, not to reset George Crawfurd of Auchincroce and his just-mentioned accomplices. The band, registered by Mr Patrik Forrester, advocate, and written by William Bryane, notary, is subscribed at the Kers, 26th January, before Alexander Crawfurd of Kers, William Cathcart of Carletoun, Alexander Crawfurd in Burne, and said writer hereof. Duncan Crawford.

Fol. 235, b.

Andro Stewart of Wodside, for Johne Maxwell of Stanelie, £1000, not to reset Johne, Lord Maxwell, or Robert Maxwell of Dynwiddie. The band, registered by Mr Isaack Broun, advocate, and written by Laurence Keir, servitor to James Prymrois, clerk of Council, is subscribed at Edinburgh, 7th February, before Alexander Cuninghame, writer, William Andersone, and Laurence Keir. John Maxwell.

Fol. 236, a.

James Durehame of Duntarvie, for Sir James Maxwell of Calderwode, 2000 merks, not to reset Johne, Lord Maxwell, or Robert Maxwell of Dynwiddie. James Maxwell.

Fol. 236, b.

Alexander Maxwell of Logane, for Harbert Maxwell of Cavenis, 1000 merks, and for Mr William Maxwell, apparent of Cavens, 500 merks, not to reset Lord Maxwell or the Laird of Dynwiddie. Edinburgh, 10th February. Herbert and William Maxwell.

Alexander Levingstoun of Pantosken and Mr Alexander Hammiltoun of Kinglas, for Thomas Levingstoun of Pantone, 10,000 merks, that, if freed of his present ward in the Castle of Edinburgh, where he is imprisoned at the instance of Robert Menteith, he will remain in Edinburgh till relieved by the Council, and will re-enter the said Castle when charged on 24 hours' warning. Edinburgh, 12th February. Thomas Livingstone.

Johne Forbes of Brux for Andro Forbes, glasswright, 1000 merks, to answer before the Council, on 26th May next, to the complaint against him by Alexander Irwing of Drum, and Mr Robert Irwing, his brother, for resisting the said Mr Robert in executing a commission granted to him and the Laird of Drum for taking the late Johne Forbes, called of Corsinda, and for coming to the Grammar School of Aberdene, and there searching for two young boys, sons of the Laird of Drum, of purpose to Edinburgh, 13th February. Andrew Forbes.

slay them, and with drawn sword "stogging of the daskis of the same scole." Acta Caut. 1607–1609.

Sir John Maxwell. Johne Maxwell of Stanelie, for Sir Johne Maxwell of Nether Pollok, 2000 merks, not to reset Johne, Lord Maxwell, during his rebellion. The band, registered by Mr Isaak Broun, advocate, and written by Laurence Keir, servitor to James Prymrois, clerk of Council, is subscribed at Haggis, 24th January, before Patrik Maxwell, father-brother of the said Sir Johne, Andro Stewart of Wodsyd, Gabriell Garver, servitor to the said Sir Johne, and Robert Maxwell. Fol. 237, a.

Edinburgh, 16th February. John Maxwell. Sir David Murray of Coneyaird, for Johne Maxwell of Kirkconnell, 1000 merks, not to reset Lord Maxwell or the Laird of Dynwiddie during their rebellion. Fol. 237, b.

Herbert Maxwell. Homer Maxwell of Carneselloch, for Harbert Maxwell, son of Edward Maxwell of Tinwall, £500, not to reset Johne, Lord Maxwell, or Robert Maxwell, apparent of Dinwiddie. The band, registered by Adame Cunnynghame, advocate, and written by Harbert Cuninghame, notary, is subscribed at Drumfreis, 12th February, before Andro Cunynghame, burgess of Drumfreis, James Cuninghame, his son, burgess, Edward Lyn in Carnesalloch, Johne Batie in Drumfreis, and Johne Irwing, —Harbert Cunynghame and Robert Cunynghame, notaries, subscribing for the said Homer.

Edinburgh, 18th February. Gavin Hamilton. Mr Gilbert Gordoun of Schirmes, for Gavin Hammylton in Lagloft, 300 merks, not to reset George Crawfurd of Auchincroce and his accomplices foresaid (*ante*, p. 643). Fol. 238, a.

Matthew and William Crawford. James M^c^Math of Knokinhair, for Mathew Crawfurd, son of the Laird of Leifnoreis, and Hew Crawfurd, brother natural of William Crawfurd of Leifnroeis, 300 merks each, not to reset George Crawfurd of Auchincroce and his accomplices foresaid (*ante*, p. 643).

John Baird. William Campbell of Garrallane, for Johne Baird in Lowis, 300 merks, not to reset George Crawfurd of Auchincroce, and his accomplices foresaid (*ante*, p. 643), conform to the King's letters dated at Edinburgh 9th September 1607. The band, registered by Mr Laurence M^c^Gill, advocate, and written by David Ros, notary, is subscribed at Cumok 14th February, before Hew Dunbar of Lochingarroch, James Dalrimple, brother of Johne Dalrumple of Stair, and William Crawfurd of Templeland. Fol. 238, b.

Hew Crawford. William Crawfurd of Tempilland, for Hew Crawfurd of Tempilland, 300 merks, not to reset George Crawfurd of Auchincroce, and his accomplices foresaid (*ante*, p. 643), conform to the King's letters dated 9th September 1607. The band, registered, etc., as above, is witnessed by William Campbell of Garrallane, Hew Campbell of Lochingarroch, James Dalrumple, and David Ros, notary. Fol. 239, a.

William Crawford. George Crawfurd, fiar of Leifnoreis, for William Crawfurd of Tempilland, not to reset George Crawfurd of Auchincroce or any of his said accomplices (*ante* p. 643), under the pains in the King's letters dated at Edinburgh 9th September 1607. The band, registered, etc., as above, is witnessed by Mr George Dunbar, parson of Cumnok, Mathew Fol. 239, b.

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Crawfurd, brother of surety, Hew Nisbit, burgess in Air, and David Ros, notary.

George Dowglas of Pennyland, elder, for George Crawfurd in Auchmuy, 300 merks, not to reset George Crawfurd of Auchincroce or any of his accomplices foresaid (*ante*, p. 643), conform to the King's letters dated at Edinburgh 8th December 1607. The band, registered, etc., as above, is witnessed by George Hammyltoun, elder in Clokclowny, Johne Gimmill, notary, Adame Dowglas, and William Gemmill, notary. George Crawford.

Fol. 240, a. William Crawfurd of Tempilland, for George Crawfurd, fiar of Leifnoreis, not to reset George Crawfurd of Auchincroce, or any of his accomplices (*ante*, p. 643), under the pains in the King's letters dated at Edinburgh 9th September 1607. The band, registered, etc., as above, is witnessed by Mr George Dunbar, parson of Cumnok, Mr Mathew Crawfurd, brother of the principal, Hew Nesbitt, burgess in Air, and David Ros, notary. George Crawford.

Fol. 240, b. George Crawfurde of Auchmuy, for George Dowglas, elder of Pennyland, 300 merks, not to reset George Crawfurd of Auchincroce or any of his said accomplices (*ante*, p. 643), conform to the King's letters dated at Edinburgh 8th December 1607. The band, registered, etc., as above, is witnessed by George Hammyltoun in Clokclowny, Johne Gemmill, notary, Adame Dowglas, and William Gemmill, notary. George Douglas.

Fol. 241, a. Johne Boswall of Duntanzemer, for James Boswall, fiar of Auchinlek, £200, not to reset George Crawfurd of Auchincroce or any of his said accomplices, (*ante*, p. 643), conform to the King's letters dated at Edinburgh 8th September 1607. The band, registered by Mr Laurence M°Gill, advocate, and written by William Gemill, notary, is subscribed at Cumnok, 13th February, before Johne Boswall of Auchenleck, George Reid in Over Crarkistoun, William Fisher at Carbello-mill, and Johne Ritchard, servitor to the said Johne. James Boswell.

Fol. 241, b. Sir Thomas Kirkpatrik of Closburne, for Cuthbert Smyth, sometime servitor to Robert Maxwell of Dynwiddie, £500, not to harm Robert Grier in Bardannoch ; also not to reset the said Robert. Cuthbert Smith.

Fol. 242, a. Johne Young in Benholme, for James Stewinsone, burgess of Stirling, 500 merks, not to harm Johne Hutchesoun, merchant, burgess of Edinburgh. Edinburgh, 20th February. James Stevenson.

James Dowglas of Torthorrell, for James Lausone, brother of Johne Lawsone in Rowskane, 500 merks, not to harm Micchell Lawsone, in Over Dargavell, or Johne Lawsone, his son. The band, registered by James King, advocate, and written by Johne Blaik, notary, is subscribed at Torthorrell, 17th February, before Robert Cunynghame, George Inglis, William Hammyltoun, Thomas Carleill, Johne Simpsone, servants to said surety,—John Blak and Robert Phillop, notaries, subscribing for the principal. James Lawson.

Fol. 242, b. William Carleill of Lochquhertour for Johne Lawsone in Rowskane, 500 merks, not to harm Micchell Lawsone or Johne Lawsone, his son. The band is registered, etc., as above,—Blak and Phillop subscribing for the principal. John Lawson.

Edinburgh, 22nd Feb. Gavin Dunbar and his sons.

Archibald Tailyefeir, burgess in Wigtoun, for Gavin Dunbar of Baldone, £1000, for David Dunbar, apparent of Baldone, 1000 merks, and for Archibald and Alexander Dunbaris, sons of the Laird of Baldone, 500 merks each, not to harm Hew Kennedy of Areis. The band, registered by Laurence M°Gill, advocate, and written by David Dunbar, son and apparent heir of the said Gavyne, is subscribed at Baldone, 17th February, before James Houstone, son of William Houstoun of Cottreoch, Robert Henrisone, burgess in Wigtoun, Johne Heroun, wright, burgess there, Gavin Dunbar, son of the said Gavine. Acta Caut. 1607–1609. Fol. 243, b.

Edinburgh, 25th February. Earl of Morton.

George Dowglas, apparent of Langnudrie, for William, Earl of Mortoun, £1000, to enter Johne Grahame, called Jockie of the Dryfe, before the Council, on 17th March next, to answer for his alleged stealing of certain goods from James M°Nacht of Knokhair. Fol. 244, a.

Duncan Forbes.

George Leslie of Creichie, for Mr Duncan Forbes of Bannagask, £1000, not to harm Alexander Irwing of Drum, Mr Robert Irwing, James, William, and John Irwingis, his brothers, or Johne Irwing, elder of Pitmurthie.

Edinburgh, 25th February. Thomas Maxwell.

Johne M°Nacht of Kilquhannatie, for Thomas Maxwell of Arrimyne, 500 merks, not to reset Johne, Lord Maxwell, or Robert Maxwell of Dynwiddie, during their rebellion. Fol. 244, b.

William Stewart.

Sir Walter Stewart of Arthourlie, for William Stewart, brother of late Johne, Earl of Athoill, 1000 merks, to deliver to Patrik Stirling, commendator of Couper, the place of the abbacy of Coupar, in case it be found that he ought to do so.

Edinburgh, 1st March. James Forbes and others.

Arthour, Lord Forbes, for James Forbes of Lethintie, £2000, for Patrick Forbes, his son, £1000, and for Arthour Forbes, "my brother naturall," 1000 merks, not to harm Alexander Irwing of Drum, Mr Robert Irwing of Montcoffer, James Irwing, William Irwing of Beltie, Johne Irving of Ardcampherd, or Johne Irwing of Pitmurthie. The band, registered by Mr Robert Lermonth, advocate, and written by James Forbes, is subscribed at Bacors, 16th December, before Johne Forbes, Johne Mitchell, and David Mill, "my servandis." Fol. 245, a.

Edinburgh, 3rd March. James Mure.

Sir Robert M°Clellane of Bomby, Robert Mure of Cauldwell, and Neill Montgomerie, fiar of Langshaw, for James Mure, eldest son of Johne Mure of Auchendrane, 3000 merks, not to harm Johne, Earl of Cassillis. Fol. 245, b.

Edinburgh, 4th March. Carruthers of Holmains.

James, Lord Torthorrell, for Johne Carrutheris of Howmanes, 5000 merks, to keep ward in the burgh of Edinburgh till freed by the Council.

John Lawson.

William Cunynghame, tutor of Bonytoun, for Johne Lawsoun in Rowcan, 500 merks, not to harm Michaell Lawsoun in Over Targavill. Fol. 246, a.

Edinburgh, 5th March. Michael Lawson and sons.

Sir Alexander Kirkpatrik of Kirkmichaell, for the indemnity of James and Johne Lawsonis, brothers, in Rowcane, at the hands of Michaell Lawsone in Over Dargavill, and Johne and Michaell Lawsonis, his sons, under the pains in the King's letters. The band, registered by Adame Cunynghame, advocate, and written by Robert Cunynghame, notary, is subscribed at Kirkmichaell, 1st March, before Johne Mundevill, and William Ahannay, burgesses of Drumfreis, Johnne Kirkpatrik, "my sone," and Roger Kirkpatrik, "my servitour."

Acta Caut. 607–1609. Fol. 246, b.

Thomas Johnnstoun of Cragaburne, for James Grahame of Langboddam, 2000 merks, and for Robert Grahame in Hoilhouse, his brother, 1000 merks, not to harm Robert French of Frenchland. Edinburgh, 7th March. James and Robert Grahame.

Fol. 247, a.

Nicoll Carnecroce of Balmishannour, for William Andersone, George Hunter, William Rind, Johne Dickesone, bailies of Forfar, and for David Neway, Andro Suttie, and William Lokkie, burgesses there, 500 merks each, not to harm Sir Peter Young of Seatoun, master almoner. The band, registered by Mr Robert Narne, advocate, and written by William Heich, is subscribed at Forfer 5th March before Mr Henry Fullertoun, minister at Forfer, Johne Auld there, David Laird there, said writer hereof, Johne Traill, notary public, common clerk of Forfar, James Lindesay, messenger there, Johne Skrymgeour of Kirktoun, and Walter Carnecroce, brother of surety,—Trail subscribing for Andersoun, Hunter, Rind, and Dickesone. Edinburgh, 8th March. Inhabitants of Forfar.

Fol. 247, b.

James Forbes of Tilligony for Robert Forbes of Melleres, £1000, not to harm Alexander Irwing of Drum and his colleagues forementioned (*ante*, p. 646). The band, registered by Johne Belsheis, advocate, and written by Richard Rouse, is subscribed at Tilligony, 2nd March, before William Cheyne of Arnage, Mr William Cheyne, his son, and Robert Gairdin and Richard Rouse, servitors to the said James. Robert Forbes.

Fol. 248, a.

Mr Walter Forbes of Auchredy, for Mr James Forbes of Knappernay, £1000, not to harm Alexander Irwing of Drum or any of his colleagues foresaid (*ante*, p. 646). The band, registered by Johne Belsheis, and written by the principal, is subscribed at Tolquhane, 1st March, before James Hempseid, servitor to Thomas Fraser of Streichune, George Grant, servitor to the Laird of Muchall, William Forbes and Johne Cheyne, servitors to the Laird of Tolquhane, and Mr James Forbes, writer. Mr James Forbes.

Fol. 248, b.

Mr James Forbes of Knappernay for Mr Walter Forbes of Auchredy, £1000, not to harm Alexander Irwing of Drum or any of his colleagues foresaid (*ante*, p. 646). The band is registered, etc., as above. Walter Forbes.

Fol. 249, a.

William Forbes of Tolquhane for Johne Forbes of Pitnacadell, £1000, not to harm Alexander Irwing of Drum or any of his colleagues foresaid (*ante*, p. 646). The band is registered, etc., as above. John Forbes.

Fol. 249, b.

Johne Forbes of Pitnacaddell for William Forbes of Tolquhane, 3000 merks, not to harm Alexander Irwing of Drum or any of his colleagues foresaid (*ante*, p. 646). The band, registered as above, and written by James Hempseid, is subscribed at Tolquhane, 1st March, before William Crais, Rothesay herald, in Tarves, Thomas Cheyne, Alexander Fraser, and said writer hereof. William Forbes.

Robert Forbes of Melres for James Forbes of Tilligony, £1000, not to harm Alexander Irwing of Drum or any of his colleagues foresaid (*ante*, p. 646). The band, registered as above, and written by Richard Roust, is subscribed at Tilligony, 2nd March, before William Cheyne of Arnage, Mr William Cheyne, his son, Robert Gairdin, and said writer hereof, servitors to James Forbes of Tilligony. James Forbe

Fol. 250, a.

William Dynwiddie, sometime servitor to Robert Maxwell of Dynwiddie, Edinburgh, 11th March. William Dinwiddie.

appears before the Council, and declares by his great oath that he can get no person who will become surety for him that he shall not harm Robert Grier in Over Bardannoch and that he shall not reset the Laird of Dynwiddie. Acta Caut. 1607–1609.

James Pringle and others.

Andro Ker of Yair for James Pringle in Heriotmill, 500 merks, and for William Borthuik, his son-in-law, and James Pringle and Johne Pringle, sons of the said James, 100 merks each, not to harm Elizabaith Edmistoun, relict of James Hoipringle of that Ilk. Fol. 250, b.

Andrew and Duncan Forbes.

Johne Forbes of Brux for Andro Forbes, glasswright, and Duncane Forbes, stabler, in Aberdene, 1000 merks each, to answer before the Council on 26th May next to the complaint made against them by Sir Thomas Hammyltoun of Bynnie, King's Advocate, and Alexander Irwing of Drum, and Mr Robert Irwing, his brother, for resisting the said Mr Robert in the execution of his Majesty's commission for the apprehension of Johne Forbes, called of Corsindae, and also for their part in the search for two boys, sons of the Laird of Drum, at the grammar school of Aberdeen, for their slaughter; also to pay to Sir Johne Arnot, treasurer-depute, £20 each for their escheat goods within 40 days.

Edinburgh, 12th March.

George Pringle.

George Hoippringle of Newhall for George Hoippringle in Hoippringle, £500, not to harm Elizabaith Edmestoun, relict of James Hoippringle of that Ilk. Fol. 251, a.

James Ker and others.

Andro Ker of Fentoun for James Ker in Dudinstoun, 1000 merks, that, if freed from his present ward in the tolbooth of Edinburgh, he will remain in the burgh of Edinburgh till relieved by the Council; also that he, and Archibald Ker, his brother, and Robert Ker in Dudingstoun, will not harm Archibald Wauchop in Dudingstoun. Fol. 251, b.

Archibald Wauchop.

Sir Francis Wauchop of Nuddrie for Archibald Wauchop, son of Archibald Wauchop in Nuddrie, 1000 merks, that, if freed furth of his present ward in the tolbooth of Edinburgh, he will keep ward in the burgh of Edinburgh till relieved; also that Archibald Wauchop, elder in Dudingstoun, will not harm James Ker in Dudingstoun, Archibald Ker, his brother, or Robert Ker, son in law to the said James, under the said pain.

Arthur Forbes.

Arthour, Lord Forbes, for Arthour Forbes in Enzeane, not to harm Alexander Irwing of Drum or any of his colleagues foresaid (*ante*, p. 646), under the pains in the King's letters 5th November 1607. The band, registered by Mr Oliver Colt, advocate, and written by Johne Mitchell, younger, is subscribed at Drimour, 7th March, before Johne Mitchell, elder, Johne Mitchell, younger, and Arthour Forbes, servitors to the said Lord. Fol. 252, a.

James Forbes.

Arthour, Lord Forbes, for James Forbes of Lethentie, not to harm Alexander Irwing of Drum or any of his colleagues foresaid (including his brother James Irwing), under the pains in the King's letters of date at Edinburgh 5th November 1607. The band, registered by Johne Belscheis, advocate, and written by Johne Mitchell, elder, is subscribed at Drimour, 7th March, before Johne Mitchell, elder and younger, and Arthour Forbes, servitors to the said noble Lord. Fol. 252, b.

Acta Cant. 1607-1609. Fol. 252, b.

Arthour, Lord Forbes, for Patrik Forbes, apparent of Lethentie, not to harm Alexander Irwing of Drum or any of his said colleagues, under the pains abovewritten. The band, registered by Mr Archibald Atchesoun, advocate, and written by Johne Mitchell, elder, is dated and subscribed as above, before the same witnesses. Patrick Forbes.

Fol. 253, a.

Alexander Pringle of Cockleferrie for Johne Pringle of Bukholme, £1000, and for James Pringle, his son and apparent heir, £500, and the said James and Alexander for Johne Pringle, son of the Laird of Bukholme, 500 merks, for James Pringle in Mitchelstoun, and Robert Pringle, his brother, either of them in 300 merks, and for George Pringle in Mitchelstoun and Johne Pringle of Tynneis, either of them in 100 merks, not to harm Elizabaith Edmestoun, relict of James Hoippringle of that Ilk. Edinburgh, 14th March. John Pringle, and others.

Fol. 253, b.

Mr Robert Ker of Templehous for Elizabaith Edmistoun, relict of James Hoippringle of that Ilk, £500, not to harm George Hoippringle in Hoippringle. Edinburgh, 15th March. Elizabeth Edmiston.

Fol. 254, a.

Hew Crawfurd of Tempilland for Johne Aslowane in Beinstoun, 300 merks, not to reset George Crawfurde of Auchincroce or any of his accomplices (*ante*, p. 643). The band, registered by Mr Umphra Blinsellis, advocate, and written by David Ros, notary, is subscribed at Cumnok, 13th March, before Hew Crawfurd, brother natural of William Crawfurd of Leifnoreis, Johne Baird in Lochsyd, William Crawfurd of Dalhannay, William Dalrumple, younger, at Pennyfoddochmill, and David Ros, notary. John Aslowan.

Andro Scot, chirurgeon, burgess of Edinburgh, for Alexander Dicksoun in Airhouse, 300 merks, not to harm Elizabeth Edmestoun, relict of James Hoppringle of that Ilk. Edinburgh, 21st March. Alexander Dickson.

Fol. 254, b.

Johne Scott, baxter, and Robert Lowgie, cordiner, burgesses of Glasgow, for William and Johne Lowgeis, sons of Johne Lowgie in Lochwod, either of them in 500 merks, not to harm Robert Boyd of Badinhaith or David Shank in Lochwode. The band, registered by Mr Umphra Blinshell, and written by George Huchesoun, notary in Glasgow, is subscribed at Glasgow, 23rd March, before Niniane Houstoun, merchant, burgess there, Thomas Scott, son of the surety, Andro Younger in Partick, and said writer hereof,—Hutcheson and William Fleming, notaries, subscribing for Robert Logie. Edinburgh, 25th March. William and John Logie.

Fol. 255, a.

Williame Porterfield of that Ilk, for Patrik Maxwell of Newark, 2000 merks, not to reset or intercommune with Johne, Lord Maxwell, or Robert Maxwell of Dynwiddie. The band, registered by Mr Patrik Forrester, advocate, and written by Laurence Keir, servitor to James Prymrois, clerk of Council, is subscribed at Kilmacolme, 21st February, before Alexander Fleming of Barruchane, Mr Alexander Maxwell of Kilmalcome, and Mr Daniell Cunynghame, minister thereof. Maxwell of Newark.

Fol. 255, b.

Hew Moncreiff of Easter Rynd for David Swentoun, elder in Grange, £500, and for David and Patrik Swentones, his sons, 500 merks each, not to harm Henry Hunter in the Coitis, or David Miller, his son-in-law. Edinburgh, 29th March. David Swinton and his son.

The band, registered by Mr Thomas Mawer, advocate, and written by Henry Broun, notary in Perth, is subscribed at Bathepburne, 27th March, before Alexander Barclay in Bathepburne, David Owdny in Wester Elcho, said writer hereof, and Patrik Fleming, notary in Perth. Acta Caut. 1607–1609.

Thomas Garden. Sir Robert Chreichtoune of Cluny for Thomas Gairdin of Leygaktoun, £1000, not to harm James Currill, merchant, burgess of Edinburgh, or trouble him or his tenants in his lands of Midletoun, Cammo, or Friock, by holding his bestial on the growing corns and hained grass of the said lands, or by casting "fewall, feall, or divottis" on the marches of the said lands. The band, registered by Mr James Sandilandis, advocate, is subscribed at Reidcastell, 27th March, before Mr Arthour Fethie, minister of Innerkelour, Thomas Greirsone, James Stewart, uncle of the Earl of Athoill, and Archibald Peirsone, writer hereof. Fol. 256, a.

Edinburgh, 1st April. Andrew Horsburgh. Franceis Robertsone, merchant, burgess of Edinburgh, and Alexander Durie, tailor, burgess there, for Andro Horsburgh, son of Alexander Horsburgh of that Ilk, 2000 merks, that, when freed furth of his present ward in the Tolbooth of Edinburgh, he will remain in the said burgh till he satisfies the Council as to the assurance craved of him to Mr Archibald Douglas, parson of Peiblis; also that, while keeping ward in the said burgh, he will not harm the said parson, or James Ellott, his sister's son, or any of their friends. Fol. 256, b.

Edinburgh, 2nd April. Archibald Menzies. James M^cMaith of Knokinhair, for Archibald Menzies of Enoch, 1000 merks, not to harm Adam Menzies of Enoch. Fol. 257, a.

Edinburgh, 4th April. Ralph White and others. Raulf Quhyte, burgess of Jedburgh, as principal, and William Robesoun, burgess there, as surety, *et vice versa*, and both for George Robsoun, burgess there, 500 merks each, not to harm Johnne Moscrope in Jedburgh.

Edinburgh, 5th April. James Ker. George Todrig, merchant, burgess of Edinburgh, for James Ker in Dudingstoun, 1000 merks, that, when freed furth of his ward in the burgh of Edinburgh, he will re-enter therein when charged. Fol. 257, b.

Edinburgh, 9th April. William Simpson. Robert Simpsone, burgess of Jedburgh, eldest son of William Simpsone, burgess there, for his said father, 500 merks, not to harm Johne Moscrope in Jedburgh.

Edinburgh, 11th April. Patrick Forbes of Corse. James Gareauche of Kynstair, for Patrik Forbes of Cors, not to harm Mr Alexander Irwing of Drum or any of his colleagues foresaid (*ante*, p. 646), under the pains in the King's letters dated at Edinburgh 5th November 1607. The band, registered by Laurence Scott, advocate, and written by the said surety, is subscribed at Cors, 6th April. Fol. 258, a.

Arthur and Duncan Forbes. Patrik Forbes of Cors, for Arthour Forbes and Duncane Forbes of Balfour, not to harm Alexander Irwing of Drum or any of his colleagues foresaid (*ante*, p. 646), under the pains abovewritten. The band, registered by Scott, and written by the Laird of Cors, is subscribed as above.

Arthur Forbes. William Forbes of Pittalloche, for Arthour Forbes of Bog, not to harm Alexander Irwing of Drum or any of his said colleagues, under the same pains. The band, registered by Scott, and written by Alexander Fol. 258, b.

ta Caut. 7–1609. Midletoun, notary public, is subscribed at Tarland, 7th April, before Johne Forbes in the mill of Melgine, Nicoll Ros in Tarland, John Reid, younger, there, said writer hereof, and Mr William Robertsone, minister at Tarland.

l. 259, a. James Mortimer, fiar of Craigiver, for William Gariauch, apparent of Kynstair, not to harm Alexander Irwing of Drum or any of his said colleagues (*ante*, p. 646), under the said pains. The band, registered by Laurence Scott, and written by Alexander Branis, is subscribed at Sheildfeidill, 8th April, before the said writer hereof, William Mortimer, Thomas Mortimer, and Johne Nucall. William Garioch.

l. 259, b. Patrik Forbes of Bythnie, for Duncan Forbes of the Kirktoun of Forbes, not to harm Alexander Irwing of Drum or any of his said colleagues (*ante*, p. 646), under the same pains. The band, registered by Laurence Scott, and written by Patrik Forbes of Cors, is subscribed at Cors, 7th April. Duncan Forbes.

l. 260, a. Arthor Forbes of Bog, for William Forbes of Pittallochie, not to harm Alexander Irwing of Drum or any of his said colleagues (*ante*, p. 646), under the same pains. The band, registered by Mr Robert Lermonth, advocate, and written by Alexander Midletoun, notary, is subscribed at Tarland, 7th April, before Johne Forbes in mill of Melgind, Nicoll Ros in Tarlane, Johne Reid, younger, there, said writer hereof, and Mr William Robertsone, minister at Tarlane. William Forbes.

l. 260, b. Johne Leslie of Pitcaple, for Alexander Leslie, his brother, to answer before the Council for any wrong committed by him against Johne Leyth of Harthill, when cited by him, or by Sir Johne Arnot, treasurer-depute, and especially to appear on 19th May next. The band, registered by Mr Robert Mar, advocate, is subscribed at Pitcaple, 5th April, before the said advocate, writer hereof, Robert Abercromie at the Mill of Pitmedden, James Cheyne, apparent of Pitfichie, and William Cheyne. Alexander Leslie.

ol. 261, a. David Forbes of Pittachie, for Arthour, Lord Forbes, £4000, not to harm Alexander Irwing of Drum or any of his said colleagues (*ante*, p. 646). The caution is to have effect to 24th May next only, so that in the meantime the principal may find a more responsible cautioner for him to the effect abovewritten. The band, registered by Laurence Scott, advocate, and written by James Forbes, is subscribed at Drymmour, 6th April, before Mr Robert Yongstoun, minister, Johne Mitchell, David Mylne, and Johne Forbes, "my servitouris." Lord Forbes.

'ol. 261, b. William Forbes of Polfluig, for Mr Johne Forbes, son of Robert Forbes of Brux, 1000 merks, not to harm Alexander Irwing of Drum or any of his colleagues foresaid (*ante*, p. 646), conform to the charge given by William Johnstoun, messenger. The band, registered by Mr Robert Lermonth, advocate, and written by Mr Johne Forbes, is subscribed at Polflig, 8th April, before Johne Forbes, apparent of Polflig, William Touch in Kinstair, David Bruice, servitor to surety, Johne Calder of Easter Migvie, Alexander Calder of Aslown, and Alexander Middletoun. Edinburgh, 14th April. Mr John Forbes.

Fol. 262, b. Alexander Calder of Aslowne, for William Forbes of Polflug, £1000, William Forbes.

not to harm Alexander Irwing of Drum or any of his said colleagues (*ante*, p. 646), conform to the charge given by William Johnstoun, messenger. The said principal becomes surety for Johne Forbes, his son, apparent of Polflug, to the same effect. The band, registered by Mr Robert Lermonth, advocate, and written by James Murray, notary public, is subscribed at Leoquhell, 10th April, before Johne Calder of Easter Migvie, Patrick Calder in Dursall, Gordoun in Blelok, and Alexander Midleton, notary. Acta Cant. 1607-1609.

Alexander Calder and John Forbes.

William Forbes of Polfluig for Alexander Calder of Aslowne, 2000 merks, and for Johne Forbes of Tillikerie, 1000 merks, not to harm Alexander Irwing of Drum or any of his said colleagues. The band, registered by Mr Robert Lermonth, and written by Alexander Midleton, is subscribed at Leoquhell, 10th April, before Johne Calder of Easter Migvie, Patrik Calder in Dirsaill, George Gordoun in Blelok, and said writer hereof. Fol. 263, a.

George Hay.

Alexander Hay, fiar of Smythfield, for George Hay, son of Dame Agnes Sincler, Countess of Arroll, and Alexander Dow, sometime in Ard, and James Hay, his servitors, £500, to deliver to Alexander Gordoun of Strathdowne, and to the said lady, his spouse, the Manor Place of Over Aucherie in Buchane, in case it be found that they ought to do so. Fol. 264, a.

James Forbes.

Alester Forbes in Culquharne for James Forbes in Laidmay, 1000 merks, *et vice versa*, under the pains in the King's letters, not to harm Alexander Irwing of Drum or any of his colleagues foresaid (*ante*, p. 646). The band, registered by Mr Robert Lermonth, advocate, and written by Mr Arthour Andersone, notary public, is subscribed at Auchimuin, 10th April, before Thomas Esplene in Newbigging, Alexander Reid, younger, there, James Warrok, messenger, and James Reid of Newmylne, —Andersone subscribing for Allester and James Forbes. Fol. 264, b.

George Forbes and others.

Johne Forbes of New, for George Forbes of Skeliter, Johne Forbes of Argsycht, and Alexander Forbes of Balgranye, 1000 merks each, not to harm Alexander Irwing of Drum or any of his said colleagues (*ante*, p. 646). The band, registered by Mr Robert Lermonth, and written by the surety, is subscribed at New, 11th April, before Thomas Esplene in Newbigging, Mr William Forbes, minister at Lenbaccher, Johne Forbes of Fithlie, and Robert Forbes in Tollies. Fol. 265, a.

John, Patrick, and Alexander Forbes.

Johne Forbes of Balchaine, for Patrik Forbes, apparent of Balchaine, and Alexander Forbes, his sons, 1000 merks each, and the said Patrik for the said Johne, his father, £1000, not to harm Alexander Irwing of Drum or any of his colleagues foresaid, conform to the charge given by William Johnstoun, messenger, by virtue of the King's letters of date at Edinburgh 5th November 1607. The band, registered by Lermonth, and written by Middletoun, is subscribed at Tarlan, 11th April, before Nicoll Ros in Tarlan, Patrik Ros at the mill of Tarlan, Johne Gordoun, merchant there, and Johne Reid there,—Midletoun subscribing for Johne Forbes and his son Patrik. Fol. 265, b.

Alexander Forbes and others.

Alexander Forbes of Tolleis, for Alexander Forbes in Colquhich, Robert Fol. 266, b.

:ta Caut. 07–1609.

Forbes in Glaik, Arthour Forbes in Keinbethok, William Forbes in Discorie, Johne Forbes in Fichlie, 1000 merks each, not to harm Alexander Irwing of Drum or any of his said colleagues (*ante*, p. 646). The band, registered by Mr Robert Lermonth, advocate, and written by Mr William Forbes, minister at Kynbethok, is subscribed at Towies, 8th April, before Robert Ferquhardsone in Tolquhane, Johne Johnstoun and James Leslie, servitors to the surety, and said writer hereof.

ol. 267, a.

George Forbes of Skeliter, and Johne Forbes of Ardgaycht, for Johne Forbes of New, £2000, not to harm Alexander Irwing of Drum or any of his colleagues foresaid (*ante*, p. 646). The band, registered by Lermonth and written by the principal, is subscribed at New, 11th April, before Thomas Esplene in Newbigging, Mr William Forbes, minister at Kynbethok, Johne Forbes of Fichlie, Robert Forbes in Tollies, and Alexander Forbes in Belgrany. John Forbes of New.

ol. 267, b.

Sir Robert Scot of Thirlestane, for Robert Scot, his son, Peter Scot, his son natural, and Walter Scot, younger of Quhittisland, 500 merks each, not to harm Archibald Scot of Deiphoip, or Waltir, Adam, Thomas, James, Johne, William, and Archibald Scotis, his sons. Edinburgh, 16th April. Robert Scott and others.

ol. 268, a.

Johnne Carrutheris of Holmendis, for Sir Robert Scot of Thirlestane, £1000, not to harm Archibald Scot of Deiphoip or any of his said sons. Sir Robert Scott.

Nicoll Rutherfurde of Hundellie, for Sir Andro Ker of Oxnem, 2000 merks, and for William Dowglas, Robert Simpsone, merchant, Johne Smyth, Williame Adamson, cooper, Johne Mow, James Shortred, flesher, James Robsone, flesher, Robert Alensone, merchant, all burgesses in Jedburgh, 500 merks each, not to harm Johne Moscrope, burgess there. The band, registered by Mr Johne Russell, advocate, and written by Johne Bell, servitor to Johne Anislie, is subscribed at Jedburgh, 15th April, before James Stewart, "my servitour," Adame Kirktoun of Stewartfeild, and James Greeneslaw and George Ker, servitors to Sir Andro Ker of Pharneherst. Edinburgh, 18th April. Sir Andrew Ker and others.

ol. 268, b.

Patrik Porteous of Halkschaw, for Margaret Campbell, relict of Mungo Carmichaell of Abintoun, 400 merks, not to harm Sir Robert Gordoun of Lochinvar, or Johne M^{c}Math in Mekle Carco. Edinburgh, 21st April. Margaret Campbell.

David Man, merchant, burgess of Dundie, for Petir Man, burgess there, £500, not to harm Thomas Man, merchant, burgess there. The band, registered by James King, advocate, and written by Johnne Fentoun, writer, is subscribed at Dundie, 18th April, before David Coustoun and Johnne Fentoun foresaid, burgesses of Dundie, and David Wood, skinner, also burgess there. Peter Mann.

ol. 269, a.

Patrik Leith, son of Johne Leith of Harthill, as principal, and Mr Patrik Dumbar, son of Patrik Dumbar of Conzie, as surety, and both for Mr George Leith, son of the said Johne, to pay to the Treasurer £20 each for their escheat goods within 40 days hereof, or else to obtain a nullity of the horning executed against them at the instance of Johne Leslie of Wardes, William and Normond Lesleis, his brothers, Normond Leslie, burgess of Inverurie, and Johne Mortymer, burgess of Abirdeyne. Patrick and Mr George Leith.

Leith of Harthill and his sons and others.

Johne Leyth of Harthill, and Johne Leyth of Rayne, apparent of Harthill, as principals and as sureties for one another, and also as sureties for George Leyth, portioner of Barnes, Patrik, Mr George, and Mr William Leythis, sons of Laird of Harthill, George Leyth in Ardonye, James Leyth in Old Rayne, Walter Leyth, brother of said portioner of Barnes, William and Adame Leythis, brothers of Patrik Leyth of Lickliehеid, not to harm Johne Leslie of Wairdes or any of his colleagues above named, under the pains following,—Laird of Harthill and his apparent heir 2000 merks each, portioner of Barnes and Leyth of Ardoyne £1000 each, and every one of the others £500,—conform to the King's letters dated at Edinburgh 18th March 1606. The band, registered by Mr Isaack Broun, advocate, and written by Thomas Davidsone, notary public in Aberdyne, is subscribed at Harthill, 18th April, before Mr Johne Leyth, notary, said writer hereof, Patrik in Harthill, Patrik Gordoun there, and Mr Robert Burnet, parson of Ryne,—Davidsone subscribing for such of the principals as cannot write. Acta Caut. 1607-1609. Fol. 269, b.

Edinburgh, 23rd April. Walter Scott and others.

Sir Robert Scot of Thirlestane, for Waltir Scot in Gemmilscleuch, his brother, Walter Scot, son natural of Waltir Scot of Eidschaw, Symone Scot, son natural of William Scot, "my brother," Archibald Stewart, son natural of James Stewart in Tynnes, and Robert Scot, son natural of Mr Arthour Scot of Newburgh, 500 merks each, not to harm Archibald Scot of Deiphoip or any of his sons foresaid (*ante*, p. 653). The band, registered by Lourence Scot, advocate, and written by Andro Gourlay, servitor to James Kynneir, writer to the signet, is subscribed at Thirlestane, 23rd April, before Robert Scot, "my sone," Waltir Scot, younger of Quhilslaid, and Johnne Edzell, "my servitour." Fol. 270, a.

Edinburgh, 28th April. George Shaw.

Thomas Craigingelt of that Ilk, for George Schaw of Knokhill, 1000 merks, not to harm Alexander Gilchrist, smith, at the Bridge of Inneralloun. Fol. 270, b.

Alexander Forbes of Towy.

George Symner of Balyordy, for Alexander Forbes of Towy, 3000 merks, not to harm Alexander Irwing of Drum or any of his colleagues foresaid (*ante*, p. 646). The band, registered by Mr Patrik Lindsay, advocate, and written by Johnne Nory, notary in Brechin, is subscribed at Fettercairne, 22nd April, before Robert Stratoun of Straith, Alexander Symmer, brother of Johne Symmer of Braichinch, James Symmer, his brother, David Lindsay, fiar of Vayne, and said writer hereof. Fol. 271, a.

Thomas Bellenden.

Mr Patrik Bellindane, writer, for Thomas Bellendane, merchant, burgess of Edinburgh, to pay to his Majesty's customers £13 for the custom of certain wares imported by him from England, in case it be found that he ought.

Edinburgh, 29th April. Norman Blackwood.

Alexander Forrester of Coggis, brother of Sir James Forrester of Garden, for Normound Blakwood (Blacatour), merchant, burgess of Stirling, £500, not to harm Johne Drysdaill, *alias* Barnebugall, in Easterton of Tullcultrie, conform to the charge given by James Cunynghame, messenger. The band, registered by Mr Oliver Colt, elder, advocate, and written by James Forrester, notary public, is subscribed at Stirling, 27th Fol. 271, b.

.cta Caut. 607–1609.

April, before William Young, messenger, Robert Blacatour, son of the said Normond, James Hutoun, servitor to James Wallace, commissary clerk, and James Grahame, officer in Stirling,—the said writer hereof, and John Layng, notary, subscribing for Normond Blacatour.

'ol. 272, a.

Thomas Finlasoun, printer, burgess of Edinburgh, for Thomas Man, burgess of Dundie, 1000 merks, and for Gilbert Gellatlie, messenger in Dundie, 300 merks, not to harm Petir Man, burgess of Dundie. Edinburgh, 30th April. Thomas Mann.

Andro Rob, "mailmaker," in Edinburgh, and James Yeaman, maltman there, for William Robson, smith in Darnechaster, not to repair to Ingland hereafter without the Council's license, under the pain of £100, besides being scourged through the burgh. Edinburgh, 2nd May. William Robson.

'ol. 272, b.

Edward Ker, tailor, burgess of Edinburgh, for Archibald Ker in Bowdane, £40, to answer before the Council, on 2nd June next, for his alleged wounding of William Wauchop in Dudingstoun,—James Ker in Dudistoun becoming surety in relief. Andro Ker of Fentoun becomes also surety for the said Archibald, that he shall pay to the Treasurer £10 for his escheat goods, or else obtain relaxation from the horning used against him for the said wounding. Edinburgh, 4th May. Archibald Ker.

Coline Campbell of Clunes, for Sir David Lindesay of Edzell, £1000, not to reset in the house of Edzell David Lindesay, apparent of Edzell, or any of his accomplices put to the horn for the slaughter of the Lord of Spynie. Edinburgh, 5th May. Sir David Lindsay.

'ol. 273, a.

Sir Johnne Maxwell of Nether Pollok, for James Gilhagie (Kilhegie) in Kendelhill, and George Andirsone of Woodsyde, £500 each, and for Niniane Gilhagie, merchant, burgess of Glasgow, said James's brother, Johne Gilhagie, merchant, Johne Gilhagie, cordiner, his brother, Johne Andersoun, brother of Laird of Woodsyde, Johne Andirsoun, mariner, William Andirsoun, cordiner, Niniane Andirsoun, deacon, William Andirsoun, merchant, Archibald Sellair, younger, James Scot, maltman, all burgesses of Glasgow, James Andirsoun, son of Andro Andirsoun, officer of the said burgh, Johne Wodrop, merchant, Robert Douglas and Waltir Douglas, maltmen, burgesses there, Mathew Douglas, their brother, Johnne Young, mariner, George Bogill, skinner, Abrahame Mure, and Johnne Hill in Mekle Givane, 400 merks each, not to harm Andro Angus, merchant, burgess of Glasgow. The band, registered by Lowrence Scot, advocate, and written by Mr Robert Allansoun, notary in Glasgow, is subscribed at , 4th May, before Patrik Maxwell, father-brother of the said Sir Johne, Robert Maxwell, Robert Boyd, Gabriell Garven, James Lame, servitors to the said Sir Johnne. James Gilhagie and others.

Fol. 273, b.

Johnne Cunynghame, merchant, burgess of Edinburgh, for Thomas Quhyte in Leith, 500 merks, to answer before the Council, or before George, Earl of Wyntoun, when charged, for the wounding of Thomas Baynis in Langnudrie. Edinburgh, 13th May. Thomas White.

Sir George Erskene of Boquhan for Normond Blackwood, burgess of Stirling, £500, not to harm James Reid in Balhartie, George Drysdaill there, Alexander Drysdaill in Drymmeis, James Drysdaill there, David Norman Blackwood.

Mitchell in Corsnachten, Johne Mitchell there, David Drysdaill there, Robert Stalker there, Johne Drysdaill in Easter Tillicutrie, Alexander Huttoun there, Matthew Burne there, Johne Harrowair there, Thomas Alexander there, Alexander Kirk, David Harrowair there, William Meklejohne there, Archibald Young there, Meretene Patoun there, Thomas Broun there, Thomas Robertsoun there, Thomas Gray there, Johne Drysdaill there, Robert Drysdaill, Petir Lambert in Fairnihole, or William Donaldsoun in . Acta Caut. 1607–1609.

Edinburgh, 14th May. James Pringle. Lord Forbes.

James Pringle, apparent of Quhitbank, for James Hoppringle of Gallowscheillis, £1000, not to harm David Borthuik in Newbotle. Fol. 274, a.

Alexander Calder of Aslowne, for Arthoure, Lord Forbes, £4000, not to harm Alexander Irwing of Drum or any of his colleagues foresaid (*ante*, p. 646). The band, registered by Mr Thomas Mawir, advocate, and written by Mr Thomas Wilsoun, notary public, is subscribed at Drummernor, 7th May, before Williame Forbes of Polfluig, Patrik Calder in Dorsett, James Forbes, brother of the said Lord, and said writer hereof.

Edinburgh, 16th May. Thomas Hircas.

Andro Quhyte, burgess of Edinburgh, for Thomas Herkas in Leith, 300 merks, to answer, when charged, before the Council, or before George, Earl of Wyntoun, for the wounding of Thomas Baynis in Langnudrie,—Thomas Quhite in Leith, and Richart Quhyte, his brother, becoming sureties in relief. Fol. 274, b.

Edinburgh, 17th May. Robert Edgar.

Johne Broun of the Land, for Robert Edzer in Blakshaw, 500 merks, not to harm Edward Maxwell of the Yle, Johne Maxwell, his son natural, Johne Maxwell in Bankend, William and Johne Maxwellis, his sons, or Alexander Maxwell, their brother.

Sir William Maxwell.

Johne Maxwell of Conhaith, for Sir William Maxwell of Cloden, £1000, not to reset or intercommune with Johne, Lord Maxwell, or Robert Maxwell of Dynwyiddie, during their rebellion. Fol. 475, a.

John Moscrop.

David Borthuik, chamberlain of Newbotle, for Johne Moscrop, burgess of Jedburgh, not to harm Sir Andro Ker of Phairnyhirst, Sir Andro Ker of Oxnum, his son and apparent heir, Thomas Ker, brother of Sir Robert Ker of Ancrum, Johne Ker of Redden, Andro Ker of Gillistones, his brother, William Ker of Bloodilawis, Andro Ker of Kerchester, William Douglas, burgess of Jedburgh, Robert Aliesoun, burgess there, Johne Mow, elder, William Simpsoun there, Robert Simpsoun, his son, there, Robert Simpsoun, burgess there, Raulf Quhyte there, Johnne Smyth there, James Schortrig, George Robertsoun there, James Robsoun there, William Adamsoun, cooper there, William Aird in Potterru, Margaret Davidsoun, his spouse, George Ker in Oxnum, Thomas and James Keris, his brothers, or William Ker, son of late William Ker in Snaden. The band, registered by Mr Umphra Blinsele, advocate, and written by William Ker, notary public in Edinburgh, is subscribed at Moffet, 7th May, before William Adamsoun and Thomas Trustene, servitors to the Earl of Lowtheane.

Edinburgh, 24th May. George Douglas.

James Douglas of Baitfurde, for George Douglas, his brother, 300 merks, not to reset or intercommune with Johnne, Lord Maxwell, or Robert Maxwell of Dinwiddie, during their rebellion. Fol. 475, b.

Acta Caut. 1607-1609. Fol. 275, b.

Johnne Maxwell of Conhaith, for Harbert Maxwell, son of Edward Maxwell of Tinwale, 500 merks, *et vice versa*, 1000 merks, to remain in ward in the burgh of Edinburgh till freed by the Council. Edinburgh, 25th May. John and Robert Maxwell.

Fol. 276, a.

Sir Thomas Ker of Hiltoun, for Johnne Gordoun, second son of the late Laird of Geycht, 300 merks, to answer before the Council, on 7th July next, to these complaints against him—(1) by Alexander Coupland and William Duffus, inhabitants of the town of Turref, Raulf Holmislie, Frances, Earl of Errole, and Alexander, master of, now Lord, Elphingstoun, Treasurer for the time, for his Majesty's interest, for oppression done in Turref on 18th July 1601; (2) by Magnus Mowat of Boquholie, for besieging the fortalice of Boquholie in May and August 1601, shooting in at the windows thereof with guns, destroying the stacks in the barn-yards of Derauche, shooting pistolets at complainer while he was riding to the kirk of Turef, "derning" himself at night in the complainer's corns at Boquholie to bereave him of his life, shooting hagbuts at him at the port of Brechin, surprising the place of Boquholie and binding his servants' hands and feet, building fold dykes on the lands of Balmelie, shooting pistolets at Johne Mowet, complainer's servitor, tramping down his corns, hurting Andro Jaffray, presenting a pistolet to Andro Chene, oppressing complainer's tenants of the lands of Lescragie, Jaxtoun, and Brounhill, taking William Smyth, tenant, a prisoner: also not to harm the said Magnus Mowat and Archibald Douglas, under the pains in the King's letters: farther, to pay to the Treasurer £40 for his escheat goods. The band, registered by Mr Lourence M^cGill, advocate, and written by William Cordoner, servitor to Mr Robert Pape, advocate, is subscribed at Abirdene, 17th May, before Johnne Ker, son of the said Sir Thomas, Mr Robert Pape, advocate, George Gawin at the mill of Alathein, and the said writer hereof. John Gordon.

Fol. 276, b

Patrik Sincler, uncle of Patrik, now Lord Sinclere, appears and consigns in the hands of James Prymrois, clerk of Council, the key of the outer gate of the fortalice of Ravinniscraig, the key of the "gunhous" of the said castle, and the key of a cellar of the said place, wherein are the other keys of the said castle,—all to be delivered to the said Lord,—declaring on his great oath that he has no more keys belonging to the said Lord. Edinburgh, 26th May. Patrick Sinclair.

Fol. 277, a.

Mr William Forbes of Many, burgess of Edinburgh, for Johne Forbes of Bruix, £2000, not to harm Alexander Irwing of Drum or any of his colleagues foresaid (*ante*, p. 646). Edinburgh, 27th (? 17th) May. John Forbes.

Johne Nisbett, merchant, burgess of Edinburgh, for Philip Nisbet, of Banff, and James Alshunder (Alexander), bailie of Banff, for James Robsoun, merchant, burgess there, 500 merks each, not to harm William Nicoll, flesher, burgess of the said burgh. Edinburgh, 1st June. Philip Nisbet and others.

Fol. 277, b.

Archibald Chyrnesyd of Over Possill, for Andro Angus, merchant, burgess of Glasgow, to pay to the Treasurer £10 for his escheat goods, if he has any outside the regality of Glasgow, fallen by the horning executed against him at the instance of James, Johne, Niniane, and Johne Gilhageis, and James Andersone, citizens of Glasgow; and James Dunlop of Edinburgh, 3rd June. Andrew Angus.

that Ilk for the said Angus, not to harm any of the said Gilhegeis, or George Andersone of Wodsyd, Johne Andersone, his brother, Johne Andersone, mariner, William Andersone, cordiner, Niniane Andersone, deacon, William Andersone, merchant, Archibald Sellar, James Scot, maltman, Johne Wodrop, maltman, Johne Andersone there, Andro Andersone, officer, James and Andersones, his sons, Robert, Mathew, and Walter Douglassis, maltmen, Johne Young, mariner, George Bogill, skinner, Abrahame Mure, merchant, Johne Hill, or James Andersone in Little Tobane, under the pain of 400 merks for each of said persons *pro rata*. The band, registered by Mr Umphra Blinsell, advocate, is subscribed at Dunlap, 30th May, before James and William Dunlappis, "my sones." Acta Caut. 1607–1609.

Edinburgh, 4th June. Alexander Penicuick.

Andro Porteous in Edinburgh, for Alexander Pennycook, one of his Majesty's guard, 500 merks, not to harm Umphra Gray, burgess of Edinburgh. Fol. 278, a.

Edinburgh, 7th June. Duncan and Andrew Forbes.

Arthour, Lord Forbes, for Andro Forbes, glasswright, and Duncane Forbes, stabler in Aberdene, 500 merks each, not to harm Alexander Irwing of Drum or any of his foresaid colleagues (*ante*, p. 646). Fol. 278, b.

Edinburgh, 9th June. Andrew Horsburgh.

Alexander Horsburgh, apparent of that Ilk, and James Sandielandis, fiar of that Ilk, for Andro Horsburgh, son of Alexander Horsburgh of that Ilk, £1000, not to harm Mr Archibald Dowglas, parson of Peblis, or James Ellot, his sister's son.

Thomas Kirkpatrick.

Johne Carrutheris of Holmendis, for Thomas Kirkpatrik, younger of Cloisburne, 5000 merks, that, on being freed furth of his present ward in Edinburgh Castle, he will remain in the burgh of Edinburgh and re-enter in the said ward by 1st July next. Fol. 279, a.

Edinburgh, 10th June. Walter MacAllaster.

William Colquhoun, eldest son and apparent heir of Adam Colquhoun of Hill, for Waltir M°Allaster, miller at the mill of Auchindonanrie, 300 merks, not to harm Robert Naper of Blakyairdis. The band, registered by Mr Umphra Blinsele, advocate, and written by William Cunynghame, messenger, is subscribed at the Hiltoun of Naperstoun, 8th June, before Adam Colquhoun in Hiltoun, Thomas Buquhannane of Charbeth, Donnald M°Symount, Robert M°Cruchair.

Edinburgh, 11th June. John Wilson.

Johne Wilsone, burgess of Pittinweme, as principal, and Mr Patrik Hepburne, apparent of Kirklandhill, and Robert Donaldsone, burgess of Edinburgh, as sureties, 500 merks, not to harm Patrik Bruce, clerk of Sanctandrois. Fol. 279, b.

Edinburgh, 14th June. Umphra Gray.

Umphra Gray, burgess of Edinburgh, appears and acknowledges having received from James Prymrois, clerk of Council, in name of Alexander Pennycooke, one of his Majesty's guard, £100, as fine imposed on Pennycooke for hurting Gray. The acquittance, written by Laurence Keir, servitor to Prymrois, is subscribed at Edinburgh, 14th June, before Alexander Wylie, servitor to Prymrois. Fol. 280, a.

Edinburgh, 16th June. Andrew Horsburgh.

Johnne Sandielandis of Middlerig, for Andro Horsburgh, son of Alexander Horsburgh of that Ilk, £1000, not to harm Archibald Douglas, parson of Peblis, or James Ellot, his sister's son.

Acta Caut. 1607–1609.

Fol. 280, b. James, master of Torthorwell, for William Carmichaell, elder of Reidmyre, Johne Carmichaell in Wistoun, and Mungo Carmichaell, his son, 1000 merks each, not to harm Mark, Earl of Loutheane, Andro Johnstoun, or David Johnstoun in Kinilheid. William Carmichael and others.

Mr James Wischert of Balpheich, for Sir Robert Douglas of Glenbervie, 2000 merks, not to harm Alexander Burnet of Leyis. Sir Robert Douglas.

Fol. 281, a. George Gordoun of Barskeoch, for John M°Caw in Longmoir (? Craigmoir), 400 merks, not to harm William M°Clellane of Auchlayne, conform to the King's letters dated at Edinburgh 4th May 1608. The band, registered by Mr Archibald M°Gill, advocate, and written by David Mureheid, notary, is subscribed at St John's Clauchan, 12th June, before Johne Gordoun of Steinigassill, George Gordoun, his brother, Robert M°Caw, Johne Shaw in Towen,—Mureheid subscribing for the principal. 18th June. John MacCaw.

Fol. 281, b. Sir Robert Scot of Thirlestane, for Sir Johne Murray of Phillophauch, £1000, and for Johne Kyle, younger in Fawlahill, Johne Kyle, elder, there, William Ladlaw there, George Robertsone there, and James Laidlaw there, 500 merks each, not to harm Mark, Earl of Loutheane, James Pringle in Herrotmylne, Thomas Davie in Herrothous, William Pendland in Herrettoun, Andro Wichtman in Rouchseveir, George Adnistoun in Carcant. Edinburgh, 24th June. Sir John Murray and others.

Fol. 282, a. Harbert Maxwell, son of Edward Maxwell of Tinwale, for William Maxwell of Kirkhous, £1000, and for Johne Maxwell, his servitor, 500 merks, not to harm Janet Thomesoun, relict of Thomas Keard, cordiner at the Brigend of Drumfreis, or William Keard, their son. The band, registered by Mr Lawrence M°Gill, advocate, and written by Alexander Wylie, servitor to the clerk of Council, is subscribed at the Castle of Edinburgh, 11th June, before George Grahame of Brigend, Patrik Somervell of Quhalpishill, and Samuell Somervell, burgess of Edinburgh. William and John Maxwell.

Fol. 282, b. Robert, master of Colville, for James Reid in Balhartie, 300 merks, not to harm Normond Blakwood, merchant, burgess of Stirling. James Reid.

Fol. 283, a. Michaell Law, burgess of Dysert, appears before the Council and acknowledges having, in name of Patrik, Lord Sinclair, received from James Prymrois the three keys of the place of Raviniscraig above mentioned (*ante*, p. 657). The letter, registered by Law, is subscribed at Edinburgh, 18th June, before Alexander Wylie and Laurence Keir, servitors to the clerk of Council. Michael Law.

Williame M°Clellane of Auchlane, for Alexander Kennedy, second brother of the Laird of Culzeane, £200, and for Johnne Carkert, his servant, 100 merks, not to carry hagbuts or pistolets at any time hereafter. Edinburgh, 25th June. Alexander Kennedy and John Cathcart.

Fol. 283, b. Andro Reid of Collistoun, for Mr William Reid, notary in Aberdyne, 500 merks, to answer before the Council, on 14th July next, for the "deidlie stryking" of Abacuth Bissett, writer to the signet, alleged committed by Andro Reid, brother of the said notary, at the "hounding oute" of the said notary. Mr William Reid.

Johnne Ahannay, younger of Sorbie, for Sir Andro Agnew of Lochnaw, Sir Andrew Agnew and his son.

sheriff of Wigtoun, and Patrik Agnew, younger of Lochnaw, 400 merks each, not to reset or intercommune with Alexander and William Muris, who are denounced rebels for not appearing before the justice to answer for the forging of a pretended contract of the lands of Meikle Arrowland, and so not fulfilling the charge given them at the instance of Sir Johne Dunbar of Mochrum. The band, registered by Mr Laurence M^cGill, advocate, and written by Alexander Purveance, notary in Wigtoun, is subscribed at Wigtoun, 21st June, before Quintene Agnew, son of Sir Andro, and said writer hereof. Acta Caut. 1607-1609.

John Hannay, younger, of Sorbie.

Sir Andro Agnew of Lochnaw for Johne Ahannay, younger of Sorbie, 300 merks, not to reset Alexander and William Muris, rebels for the cause foresaid. The band, registered, etc., as above, is witnessed by Patrik Agnew, younger of Lochnaw, Quintene Agnew, and Alexander Purveance. Fol. 284, b.

Edinburgh, 27th June. John Donaldson.

Gilbert Donaldsone in Leyth, for Johne Donaldsone, son of late Johne Donaldsone, merchant in Stirling, £1000, not to harm Duncane Patersone, merchant there. Fol. 285, a.

Edinburgh, 28th June. Sir Alexander Hamilton.

Archibald Hammyltoun of Beirfoord, for Sir Alexander Hammyltoun of Innerweik, 500 merks, not to harm Sir William Lausone of Boighall.

Hamilton of Bathgate and son.

Claud Mureheid of Richard-Joh[n]stoun and Alexander Hamyltoun of Boigheid, for Robert Hammyltoun, elder of Bathcat, £2000, and for Robert Hammyltoun, younger of Bathcat, £1000, not to harm Sir William Lausone of Boighall. Fol. 285, b.

Michael Hamilton.

James Hammyltoun of Buthquott, for Michaell Hammyltoun in Inch of Bathcat, 500 merks, not to harm Sir William Lousone of Boighall.

Sir William Lawson.

James Fawsyd, younger of that Ilk, for Sir William Lawsone of Boighall, £2000, not to harm Sir Alexander Hammyltoun of Innerweik, Robert Hammyltoun, elder of Bathcat, Robert Hammyltoun, younger of Bathcat, or Michaell Hammyltoun in Inch. Fol. 286, a.

Sir John Crichton.

Sir Robert Crychtoun of Cluny, for Sir Johne Crychtoun of Innernytie, 3000 merks, not to harm Thomas Abercrombie of Murthelie.

Edinburgh, 29th June. Sir William Maxwell.

Johnne Maxwell of Conhaith, for Sir William Maxwell of Clowdene, £1000, not to reset or intercommune with Mr Gilbert Broun, sometime Abbot of Newabbay.

Asloan and Lindsay.

Harbert Lyndesay of the Maynes, for Johnne Aslowan of the Garroch, *et vice versa*, 1000 merks each, not to reset Mr Gilbert Broun, ex-abbot of Newabbay. Fol. 286, b.

Edinburgh, 1st July. Cuthbert Cunningham.

Mr Harbert Gledstanes, burgess of Drumfreis, for Cuthbert Cunynghame, bailie of Drumfreis, 5000 merks, not to harm William Hoip, burgess there, Katherine Mundell, his spouse, or Jonet Schortrig, her daughter.

Robert Ramsay.

Mr Robert Auchmowtie, servitor to James, Lord of Balmerinoch, principal secretary to his Majesty, for Robert Ramsay in Sanct Androis, £200, not to carry hagbuts or pistolets hereafter. Fol. 287, a.

Edinburgh, 6th July. Waterston and Howie.

Edward Watterstoun in the Kingistabill, for Thomas Howie in Pocketsleiw, *et vice versa*, 400 merks each, not to harm William Guthrie, heritable proprietor of the Easter and Wester Crofts of Bristo, or Jonet Young, his tenant.

Acta Caut. 1607–1609.

James Crawfurde, goldsmith, burgess of Edinburgh, for Charlis Hog and Robert Howiesone, potters in the Potteraw, and Patrik Roger there, 400 merks each, not to harm the said William Guthrie, or Jonet Young, his tenant. Charles Hog and others.

Fol. 287, b.

Johne Dowgall, merchant, burgess of Edinburgh, for Thomas Blak in the Potterraw; Robert Howiesone, potter in the Potterraw, for Johne Martene in the Potteraw, Robert Cunnybruch there, and William Foster there; and Charlis Hog for James Chisholme in the Potterraw, James Lochart there, and William Andersone there: all 400 merks each, not to harm said William Guthrie or Jonet Young. Thomas Black and others.

Fol. 288, a.

Thomas Howie, baxter in the Pocketslewe, for Johne Walker in Potterraw, 400 merks to the same effect. John Walker.

Johne Corsane, bailie of Drumfreis, for Johne Crockat, tailor in Drumfreis, Johne Bryce, younger, there, Andro Swan, maltman there, Johne Murdo, glover there, and Johne Dicksone there, £100 each, to answer before the Council, on 21st instant, touching the invading of Sir William Cranstoun, captain of his Majesty's garrison, in Drumfreis on 2nd May last. Edinburgh, 7th July. John Bryce and others.

Fol. 288, b.

Johne Corsane, bailie of Drumfreis, for William Bartane, merchant, William Colthird, and William M^cEwne, burgesses of Drumfreis, £100 each, that, on being freed from their present ward in the Tolbooth of Edinburgh, they will answer before the Council, on 21st instant, touching the tumult in the burgh of Drumfreis, on 2nd May, against Sir William Cranstoun and his company. William Bartan.

David Wilsone, potter in the Potteraw, for William Greineleyis, weaver in the Potterraw, 400 merks, not to harm William Guthrie, heritable proprietor of the Easter and Wester Crofts of Bristo, or Jonet Young, his tenant. William Greenlees.

Fol. 289, a.

George Blak, burgess of Edinburgh, and keeper of the Kirkafeild port, for Katherine Hepburne, and Robert Kirkpatrik, her spouse, in the Potterraw, and Andro Balcanquell there, 400 merks each, to the same effect. Katherine Hepburn and others.

Robert Chrystisone, merchant, burgess of Edinburgh, for Samuell Blakburne, also merchant there, £500, not to harm Jonet Keith in Pittinweme. Edinburgh, 8th July. Samuel Blackburn.

Fol. 289, b.

Johne Young in Wester Dudingstoun, burgess of Edinburgh, for Johne Fairlie, weaver, burgess of Edinburgh, 400 merks, not to harm William Guthrie or Jonat Young foresaid. Edinburgh, 9th July. John Fairly.

Johnne Kennedy, younger of Carlok (Carnelok), for Sir Johnne Vaus of Longcastell, 500 merks, not to reset or intercommune with Archibald Mure in Arwallane, or Alexander and William Mures, sons of the said Archibald, conform to the charge given at the instance of Sir Johnne Dumbar of Mochrum. The band, registered by James King, advocate, and written by William Neisbit, notary, is subscribed at the Chappell, 10th July, before Patrick Vaus of Lebrek, David Sinclair in Meitland, and said writer hereof. Edinburgh, 11th July. Sir John Vaus.

Sir John Vaus. Johnne Kennedy, younger of Carlok, for Sir Johnne Vaus of Longcastell, 3000 merks, not to harm Alexander, Lord Stewart of Gairleis. The band, registered by Mr Umphra Blinsele, advocate, and written by William Nesbit, notary, is subscribed at Barnebarroch, 7th July, before Patrick Vaus of Librek, Robert Vaus, his brother, Johnne Turner, notary, and said writer hereof. Acta Caut. 1607-1609. Fol. 290, a.

Umphra Hawthorn and Gavin Vaus. David Sinclair in Metland, for Umphra Hawthorne, servitor to the Laird of Barnebarroch, and for Gavin Vaus in Kerewalkok, 200 merks each, not to reset Archibald Mure in Arwallane, or Alexander and William Mures, his sons, conform to the charge given by Sir Johnne Dumbar of Mochrum. The band, registered by James King, advocate, and written by William Nesbit, notary, is subscribed at Barnebarroch, 19th June, before Johnne Flemyng in Barnebaroch, Thomas M°Gill there, and said writer hereof. Fol. 290, b.

Edinburgh, 12th July. Thomas Kirkpatrick. Sir Robert Dowglas of Carshogill, for Thomas Kirkpatrik, younger of Closburne, £2000, not to harm Sir Thomas Kirkpatrik of Closburne, his father. Fol. 291, a.

John Menzies. Johnne Menzeis of Carlippis, as principal, and David Lindsay of Balgrayis, as surety, 1000 merks, not to harm Mr Thomas Douglas of Stanepeth. Fol. 291, b.

Mure of Auchindrane. Robert Mure of Cauldwell, for Johne Mure of Auchindrane, 500 merks, to answer before the Council on 12th August next to a complaint made against him by Johnne, Earl of Cassillis, and Sir Thomas Hammiltoun of Bynnie, King's advocate, for shooting pistolets at Hew Kennedy of Garriehorne, and Thomas M°Quharge, servitor to the said Earl.

Robert Elliot. Alexander Baillie of Calandis and Johnne Jerdane of Bagrawode, for Robert Ellote of Glestinche, 500 merks, not to harm Gavin Ellot of Burgh.

John Drysdale. Captain Williame Sinclere, and James Prymrois, portioner of Newlandis, for Johne Drysdaill in Easter Tillicutrie, 300 merks, not to harm Normond Blakwod, merchant, burgess of Stirling. Fol. 292, a.

Edinburgh, 16th July. Carruthers and Jardine. Johne Carrutheris of Holmendis, for Sir Alexander Jardane of Apilgirth, *et vice versa*, 5000 merks, to enter in ward within the shire of Fyiff when they receive warning from George, Earl of Dunbar, lieutenant of the Middle Shires, and to remain there till lawfully freed.

Edinburgh, 18th July. Sir John Dunbar. Patrik Dunbar of Creloch, for Sir Johne Dumbar of Mochrum, 300 merks, not to reset Alexander Dunbar of Eggernes, rebel, conform to the charge given to him at the instance of dame Elizabaith Mure, Lady Mochrum. The band, registered by Mr Johne Skrogie, advocate, and written by Thomas Broun in Glenrassie, is subscribed at Mochrum, 13th July, before Johne Dunbar of Creloch, Archibald M°Kie, servitor to Sir Johne Dunbar, and said writer hereof. Fol. 292, b.

Edinburgh, 19th July. David and Andrew Anderson. Johne Andersone, merchant, burgess of Edinburgh, for David and Andro Andersones, sons of Thomas Andersone of Crainslie, 500 merks each, to answer before the Council on 11th August last for wounding Johne Bontheour in Dundie. Fol. 293, a.

CROYDON PUBLIC LIBRARIES CENTRAL

Acta Caut. 1607–1609. Fol. 293, b.

Patrik Porteous of Halkschaw, for George Martene of Cardoun, and Thomas and Andro Martenis, his sons, £2000, to answer before the Council, on 4th August next, for sending cartels to Patrik, Lord Sinclair, and his accomplices. Edinburgh, 25th July. George Martin and son.

James Polwart, elder of Coustane, for James Polwart of Carslaw, 1000 merks, and for Henry Polwart, his brother, 500 merks, not to harm Johnne Turneble in Gormyre. The band, registered by Mr Thomas Gray, advocate, and written by Mathew Lockie, is subscribed at Edinburgh and Torihechin, 26th July, before Andro Polwart and James Litle. Edinburgh, 26th July. James and Henry Polwarth.

Acta Caut. 1591–1616. Fol. 92, a.

Captain James Seytoun of Gargunnok for James Donaldsone, brother of Johne Donaldsone, portioner of Cornetoun, 1000 merks, not to harm Duncane Patersone, merchant, burgess of Stirling. The band, registered by Laurence Scott, advocate, and written by Alexander Barclay, notary, is subscribed at Stirling, 26th July, before James Murdoch, the surety's servitor, the said writer, and William Young, notary in Stirling. Linlithgow, 27th July. James Donaldson.

Johnne Maxwell of Kirkconnell and David Maxwell of Kilmacolme for Mr Gilbert Broun, as follows:—The King's guard having this day apprehended Broun, "bedfast seik in his chalmer" in Newabbay, in order to transport him to Drumfreis, and finding him unable to be carried because of "ane feister and corruptioun in his richt leg, quhairthrou the maist pairt of the fleshe of his said leg is corrupted and tane away, and his haill body sa diseasit and infirme that he may nather gang nor stand, nor able to be caryed on foote or hors without hasard of his lyff a myle of gaite," in these circumstances the said sureties become bound that he shall remain in the said Abbey till 1st August, that in the meantime the verity of his condition may be reported to the Council,—said Mr Gilbert, and Mr Richard Broun of Inglistoun, his son, becoming sureties in relief. The band, registered by Mr Robert Narne, advocate, and written by said Mr Richard, is subscribed at Newabbey, 25th June, before William Maxwell, Mr Thomas Ramsay, minister of Drumfreis, and Adame Scott and Alexander Baillie, two of the guard (see *ante*, p. 133). Edinburgh, 29th July. Mr Gilbert Brown.

Fol. 294, a.

Adam Moffet, merchant, burgess of Edinburgh, and Johnne Trinch, candleman, burgess there, for Mathie Moffet of Campit, £500, and for Adam and William Moffetis, his brothers, and Thomas Moffet in Craufurd, 400 merks each, not to harm James Williamson in Craufurd. Matthew Moffat and others.

Fol. 294, b.

Johnne Trinche, candleman, burgess of Edinburgh, for Alexander Moffet in Wodend, 400 merks, not to harm James Williamsoun in Crawfurde. Alexander Moffat.

George Ker, fiar of Cavers, for Robert Home in Fairnysyde, £1000, not to harm George, Earl of Dumbar. Edinburgh, 30th July. Robert Home.

[Follows the warrant of this Act].

Fol. 295, a.

Sir George Home of Weddirburne for Sir Patrick Home of Aytoun, £2000, not to harm George, Earl of Dumbar. The band, registered by Mr Thomas Mawer, advocate, and written by Johnne Horne, notary, is subscribed at Duns and Polwart, 28th July, before George Auchinlek Sir Patrick Home of Ayton.

of Cumledge, sheriff depute of the shire of Beruik, Mr James Gaitis, minister at Duns, said writer hereof, Mr Hary Stirling, and Johnne Lyn. Acta Caut. 1607–1609.

Edinburgh, 2nd August. James Douglas.

James Dowglas in Leyth, having been charged at the instance of the tacksmen of the customs to pay to them £85 as the custom of 140 bolls of malt at 5s. (?) per boll, exported by him beyond sea in the ship of Leyth called the "Angell," whereof Johnne Mubra was master, in June last, and also to pay to them the sum of 14s. (? £) as the custom of timber imported by him in the said ship, appears before the Council and consigns in the hands of James Prymrois £32, 15s. in part payment of the said sum. Adame Findlasone, merchant in Edinburgh, likewise appears, and becomes surety for Dowglas for payment of the balance of the said sum. Fol. 295, b.

Sir John Dunbar.

Patrick Dunbar of Creloche for Sir Johne Dunbar of Mochrum, 300 merks, not to reset Johne M°Gowyne of Skeoch, Alexander Ahanna of Sorbie, or Sir Johne Vaus of Longcastell, cautioners for Alexander Dunbar of Egernes, rebel, conform to the charge given to him at the instance of Gavin Dunbar of Bandane, assignee to dame Elizabaith Mure, Lady Mochrum, elder. The band, registered by Mr Johne Skrogie, advocate, and written by Archibald M°Kie, is subscribed at Mochrum, 19th July, before James Mure, bailie of Mochrum, William Baillie, and Archibald M°Kie, writer hereof.

David Carnegy.

Johne Noray, treasurer and citzen of Brechin, for David Carnegy, saddler there, 300 merks, not to harm the deacon and freemen of the baxter craft of Brechin. The band, registered by Mr James Sandielandis, advocate, and written by the said surety, is subscribed at Brechin, 30th July, before George Noray, Johne Muretoun, citizen of Brechin, Alexander Carnegy, son of said David, Johne Guthrie, cordiner there, and George Wricht, notary. Fol. 296, a.

Hay of Main and his son.

Thomas Grant of Rinakellich, for William Hay of Main, £1000, and for William Hay, his son, 1000 merks, not to harm James Innes of Blakhillis, or Johne Innes, his brother. The band, registered by Mr Alexander Peiblis, advocate, is subscribed at Lyne, 28th July, before Patrik Dunbar and Johne Innes, servitors to the Laird of Main. Fol. 299, b.

Edinburgh, 3rd August. John Lindsay.

Barnard Lindesay, portioner of Inglisberriegrange, for Johne Lyndesay in Lagane, £500, not to harm Johne Mullagane in Nether Lagane. Fol. 296, b.

Edinburgh, 4th August. Lord Torphichen. Mr Alexander Hamilton.

Johne Tennent of Cairnes for James, Lord Torphichen, 2000 merks, not to harm James Polwart of Cauldlaw; also for Mr Alexander Hammiltoun of Kinglas, 1000 merks, not to harm David Grahame, sometime servitor to the said Alexander. Fol. 297, a.

James Polwarth.

Mr Johne Edmestoun, portioner of Natoun, for James Polwart of Cauldlaw, 1000 merks, not to harm Johne Trumble in Gormyre. Fol. 297, b.

Henry Polwarth.

Mr Johnne Edmestoun, portioner of Natoun, for Henry Polwart, brother of James Polwart of Caldlaw, 500 merks, not to harm Johnne Trumble of Gormyre.

John Ferguson and his sons.

Sir Robert Dalzell of Eliok, for Johne Fergusone of Craigdarroch, and

Acta Caut. 1607–1609.

Robert Fergusone, apparent of Craigdarroch, £1000 each, and for Thomas Fergusone, also son of the said Johne, 500 merks, not to harm Adame Menzeis of Enock. The band, registered by Mr Isaak Broun, advocate, and written by Johne Rig, notary in Glencarne, is subscribed at Eliok 3rd August before Johne Greirsone of Maynes, Johne Greirsone, his son, and said writer hereof.

Fol. 298, a.

Robert Levingstoun of Wester Greenyards for William Donaldsoun, brother of Johne Donaldsoun, portioner of Cornetoun, 1000 merks, not to harm Duncane Patersoun, merchant, burgess in Stirling. The band, registered by Mr Robert Narne, advocate, and written by William Lamb, notary in Stirling, is subscribed at Drummondeshall 3rd August before Mr William Levingstoun of Grugfrut, James Downy in Battonismill, Robert Ritchartsoun in Auchtirbannok. William Donaldson.

Fol. 298, b.

Gawin Ellot of Burgh compears and acknowledges having received from James Prymrois, clerk of Council, £40 consigned in his hands by Hob Ellot, called of Dodburne, and Hob Ellot, called Archie's Hob, for delivery to the said Gawin. The acquittance is subscribed at Edinburgh 4th August before George Pringle in Pilrig, James Pringle, brother of George Pringle of Torretlie, Daniell Johnstoun, cordiner, burgess of Edinburgh, and James Broun, his servitor,—Thomas Ezat, notary public, subscribing for Gawin Ellot. Gavin Elliot.

Fol. 299, a.

William Wallace, minister of Failfuird, for James Kennedy of Culzean, 3000 merks, not to harm Johne Bannatyne, messenger in Mayboill, or Gilbert Bannatyne, his brother. Edinburgh, 5th August. James Kennedy.

Fol. 299, b.

Mr Patrik Bannatyne, writer, for Mr Hew Fullartoun, minister at Kilmarnok, 400 merks, not to reset William Montgomrie, writer in Irwing, put to the horn for the slaughter of Hew Garven, common clerk of Irwing. Edinburgh, 8th August. Mr Hew Fullarton.

Fol. 300, a.

Johne Turnbull in Garemyre, compears and acknowledges having received from James Prymrois, clerk of Council, £200, consigned in his hands by James Polwart of Caldlaw for delivery to Turnbull for the hurting of him by Polwart. The acquittance is subscribed at Edinburgh 8th August before Mr Robert Boyd of Kippis, Thomas Dicksone, son of Thomas Dicksone, merchant, burgess of Edinburgh, George Purdie, messenger, and Gilbert Watt, servitor to Lourence Scot, advocate,—Johne Cas and Cuthbert Miller, subscribing for Johne Turnbull. John Turnbull.

Fol. 300, b.

David Andersone, writer to the signet, for William Andersone, William Stirling, and Coline Campbell, subtacksmen of the customs within the bounds of the Water of Clyd, 100 merks each, to answer before the Council on 18th August instant for refusing to allow Robert Boyd of Baddinhaith the impost of a tun of wine bought by him from Johne Barnes, merchant, burgess of Glasgow, in 1606. William Anderson and others.

Robert Levingstoun of Wester Greenyards for David Somerwell of Plane, £1000, not to harm David Pollok of Powis, conform to the King's letters dated 1st August 1608. The band, registered by Archibald Boyd, advocate, and written by Johne Wordie, notary public, is subscribed at Edinburgh, 9th August. Somerville of Plean.

Wester Greenyards and Plane, 7th August, before Lues Somerwell, son of the principal, Robert Levingstoun, son of surety, Johne Somerwell, and Alexander Lambe. Acta Caut. 1607–1609.

John Agnew. James Kennedy of Culzeane, for Johne Agnew, his servant, 500 merks, not to harm Johne Bannatyne, messenger in Mayboill, or Gilbert Bannatyne, his brother. Fol. 301, a.

Edinburgh, 10th August. Sir John Dunbar. David M°Culloch, Laird of Druchtak, for Sir Johnne Dunbar of Mochrum, 1000 merks, not to harm Patrik Waus of Kildarroch, also not to reset Alexander Ahannay of Sorbie, under the pain of 200 merks. The band, registered by Mr Johnne Skrogie, advocate, and written by Thomas Broun, notary, is subscribed at Mochrum, 4th August, before Mr Alexander Cunynghame, Thomas Broun, notary, and Archibald M°Kie, servitor to the principal. Fol. 301, b.

John and Gilbert Bannatyne. Johnne Bannatyne, messenger, and Gilbert Bannatyne, his brother, acknowledge having received from James Prymrois, clerk of Council, 100 merks, consigned in his hands by Johnne Agnew, servitor to James Kennedie of Culzeane, for the hurting of said Johnne. The acquittance, registered by Robert Hammyltoun, advocate, and written by Robert Bannatyne, writer, is subscribed at Edinburgh, 10th August, before Alexander Wylie and Laurence Keir, servitors to the clerk of Council, and said writer hereof. Fol. 302, a.

Captain of Crawford. James Douglas of Torthorrell (Lord Cairllell) for Johnne Carmichaell of Medoflat, 2000 merks, not to harm Mark, Earl of Lowthiane, or Andro and David Johnnstones in Kenilheid The band, registered by Robert Hammiltoun, advocate, and written by Alexander Wylie, servitor to the clerk of Council, is subscribed at Edinburgh, 4th August, before Mr Williame Stewart, David Carmichaell, and Lourence Oliphant of Condie. Fol. 302, b.

Edinburgh, 12th August. John Cranston. Alexander Pringle, portioner of Smalhame, for Johne Cranstoun of Kirkhill, 300 merks, to answer before the Council on 1st September next for the "bloding" and wounding of Thomas Frater, sometime in Hardlaw and now in Cummerlawis, in 1605 and 1606; also to pay to the Treasurer £20 for his escheat goods within 40 days hereof. Fol. 303, a.

Mr James Bannerman. Duncane Lindesay in Edinburgh for Mr James Banerman, minister at Keppeth, 400 merks, not to harm Johnne Thomsone, son of Johnne Thomsone of Kirkhill.

Edinburgh, 12th August. Maule and Galloway. James Mauld in Haymouth, and William Galloway, sometime servitor to the Laird of Restalrig, became bound to answer before the Council when charged on six days' warning touching the said Laird's "purpois with umquhile Johne, sometyme Erll of Gowrie, in his vyld and detestable treason againis his Majestie," both under "the pane of deid." Fol. 303, b.

John Acanan. Johnne Gordoun of Barhois for Johnne Acannane (Cannane) in in Barlochane, 1000 merks, not to harm Edward Maxwell of Yle. The band, registered by Mr Patrik Forrest, advocate, is subscribed at Kirkcudbricht, 7th August, before Robert Forrester, burgess there, Edward Forrester, commissary thereof, Thomas Carrok, Robert Forrester, notary public, writer hereof, and Patrik M°Clelland in Kirkcudbrycht.

Andro Logane of Quotfeild for George Logane of Bonytoun, £1000, not to harm Johnne Kyncaid in Leith. Edinburgh, 16th August. Logan of Bonyton.

Josias Touris, brother of late Sir George Touris of Innerleith, for Johne Kincaid of Mungwall, indweller in Leith, £1000, not to harm George Logane of Bonytoun. Edinburgh, 17th August. John Kincaid.

James Dalzell, merchant, burgess of Edinburgh, for Sir Robert M°Cellane of Bomby, 3000 merks, that, on being freed from the Castle of Edinburgh, he will remain in the burgh of Edinburgh till he be reconciled to George Glendoning, brother of the goodman of Drumrasche, and in the meantime will not harm the said George. Alexander M°Clellane, servitor to Sir Robert M°Clellane of Bombie, appears, and, in name of his master, consigns in the hands of James Prymrois, clerk of Council, 1000 merks, for delivery to said George for "shotting him throu the body with ane pistolett." Prymrois has paid the said sum to the party. Sir Robert MacLellan.

Robert Baxter, skinner, burgess of Edinburgh, for Johne Baxter, one of the ordinary officers of said burgh, 500 merks, to answer before the Council when charged touching the slaughter of James, Lord of Torthorrell. Edinburgh, 19th August. John Baxter.

James Kennedy of Culzeane for Alexander Davidson of Clakleyth, 1000 merks, not to harm James Inglis, Alexander Sommervill, or William Dick, merchants in Edinburgh, also to answer before the Council when charged for his lying in wait for their slaughter,—William Crychtoun, sheriff of Nithisdaill, becoming surety in relief, and Andro Quhyte, servitor to David Lindesay, keeper of the tolbooth of Edinburgh, with the principal, becoming bound to relieve the said sheriff. Alexander Davidson.

Sir Alexander Kirkpatrik of Kirkmichaell, for William Kirkpatrik, younger of Kirkmichaell, and Johne Kirkpatrik, his son, Robert Dynwiddie in Kirkmichaell, Johne Robsoun there, Robert Lausoun there, Robert Adamsoun there, William Adamsoun there, Roger Kirkpatrik in Glen, Thomas Kirkpatrik, his brother, Jok Corsbie in Kirkmichaell, called the Duke, and Johnne Kirkpatrik in Langquhat, 300 merks each, to answer before the Council on 29th September next to the complaint made against them by his Majesty's advocate, Sir James Dowglas of Drumlangrig, Johne M°Call in Over Garrell, Robert Glendoning there, and the other tenants of the Laird of Drumlangrig's lands of Over Garrell, touching their carrying of hagbuts and pistolets and reiving from the town of Over Garell all the turfs and elding therein. William Kirkpatrick and others.

David Welshe, burgess of Drumfreis, for Johnne Welshe, miller at Staikfuird, 500 merks, not to harm Jonat Thomsone, spouse of Thomas Kaird, cordiner, or the said Thomas. The band, registered by Archibald Boyd, advocate, and Robert Maxwell, notary, is subscribed at Drumfreis, 17th August, before Halbert Kaillie and Johnne Simsone, burgesses of Drumfreis, Johnne Brane, servitor to surety, and James Welsche, son of the principal,—Maxwell subscribing for the principal. John Welsh.

Kenneth M°Kenzie of Killichrist for Alexander M°Kenzie of Coull, £1000, not to harm Rorie M°Kenzie of Ardafailyie or Murdo M°Kenzie Alexander MacKenzie.

Fol. 304, a. Fol. 304, b. Fol. 305, a. Fol. 305, b. Fol. 306, a.

of Gargistoun. The band, registered by Mr Isaak Broun, advocate, is subscribed at the Chanonry of Ros, 23rd July, before Johne Fraser there, Patrick Hay there, Laurence Dawgleische, messenger there, and Duncane Greirsoun, messenger, writer hereof. Acta Cant. 1607–1609.

Edinburgh, 22nd August. William and Raguell Bennet.

Raguell Bennet of Chesteris for William Bennet, his brother, £1000, not to harm Robert Trumble in Langtoun. The said Raguell, in name of his brother, consigns 400 merks in the hands of James Prymrois, clerk of Council,—100 merks thereof for his Majesty's treasurer, and the other 300 merks for Robert Trumble in Langtoun, awarded to him for the hurting of him and his spouse. Prymrois has accordingly paid the said sums to the proper parties. Fol. 306, b.

Edinburgh, 24th August. Hamilton of Innerwick.

Robert Hammyltoun of Bathcat, elder, for Sir Alexander Hammyltoun of Innerweik, 3000 merks, not to harm Mr George Inglis, minister at Bathcatt, conform to the charge given by Samuell Wast, messenger. The band, registered by Mr Patrik Forrest, advocate, is subscribed at Ballincrieff, 23rd August, before James Cochran of Balbachlaw, and James Hammyltoun and Adame Hering, servitors to the principal.

Patrick Hart and others.

Johnne Barclay in Edinburgh, and George Smith, merchant, burgess there, for Patrik and James Hairtis and William Sibbald, indwellers in the Cannongaite, £100 each, to answer before the Council, on 1st September next, for the offence done by them to the burgh of Edinburgh, for which they were warded in the Castle of Edinburgh. Fol. 307, a.

Edinburgh, 26th August. John Carmichael and his sons.

William Creichtoun of Ryhill for Johnne Carmichaell, elder in Spoth, Johnne, Mungo, Edward, William, and Henry Carmichaellis, his sons, 2000 merks each, not to harm Sir Robert Gordoun of Lochinvar, or Johnne M^cMath, sometime in Meikle Carco, now in Corsbank, his tenant. The band, registered by Robert Hammyltoun, advocate, and written by Robert Philope, notary public, is subscribed at Sanquhar, 24th August, before Johnne Greirsone, servitor to the surety, William Hislop, burgess of Sanquhair, Thomas Miller, notary, and Arthour Blak, messenger,—Philope subscribing for Johnne Carmichaell, elder. Fol. 307, b.

Edinburgh, 27th August. William Buchanan.

Robert Naper of Blakyards for William Buchannan of Drummakill, £1000, not to harm Bernard Cunnynghame in Wester Catter. Fol. 308, a.

Sir John Arnot.

Sir Johnne Arnote, treasurer depute, appears and acknowledges to have received from James Prymrois, clerk of Council, 100 merks, consigned in his hands by Williame Bennet, brother of Ragwell [Bennet] of Chisteris, as a fine imposed on him by the Council for the "insolence" committed by him on Turnbull in Langtoun, and Bessie Dowglas, his spouse. The acquittance, subscribed at Edinburgh, 27th August, is witnessed by Johnne Ritchie, "my servand."

John Buchanan and others.

William Buchanan of Drummakill for Johne Buchannan of Ibert, Thomas Buchannan, his son, Johne Buchannan, brother of the surety, Walter Buchannan in Dunbartane, and Johnne Buchannan there, 1000 merks each, and for Robert M^cIllandreishe, servitor to the said Johnne, Johnne Gow in Middle Cutter, James M^cNicoll in Drymmen Clauchan, William Gavane there, Johnne M^cKymnie, weaver there, William Fol. 308, b.

Acta Caut. 1607–1609.

Buchannan in Fynnarie, George Buchannan, son of said Johnne Buchannane in Dunbartane, James Buchannan, younger in Fynnik, tenant, and Robert Buchannan in Mylnetoun, 500 merks each, not to harm Bernard Cunnynghame in Cutter.

James Donaldson.

Johnne Seatoun of Tullibody, for James Donaldsone, son of late Johnne Donaldsone, merchant, burgess of Stirling, 1000 merks, not to harm Duncane Patersone, burgess there. The band, registered by Mr Robert Narne, advocate, and written by Johnne Wordie, notary public, is subscribed at St Niniane's Kirk, 27th August, before Robert Levingstoun of Wester Greenyards, Johnne Woddell, burgess of Stirling, Johne Wordie, notary, and Johnne Sawyar.

Fol. 309, a.

Edinburgh, 30th August. Mr George Inglis.

Thomas Inglis, younger of Old Listoun, for Mr George Inglis, minister at Bathcatt, 1000 merks, not to harm Sir Alexander Hammyltoun of Innerweik.

Fol. 309, b.

Abbot of Cambuskenneth and Sir James Erskine.

Thomas Craigingelt of that Ilk, for Adame, Commendator of Cambuskenneth, and Sir James Erskin of Craig, £1000 each, not to harm Nicoll Stevin in Orchyard of Tillibody. The band, registered by Mr Johnne Johnnstoun, advocate, and written by Mr Johnne Hay of Easter Kennat, is subscribed at the Orchyard of Tullibody, 27th August, before David Halden, sometime tutor of Glenhegeis, James Leckie, brother of late Walter Leckie of that Ilk, and Johne Hepburne, servitor to the said Commendator.

Fol. 310, a.

John Buchanan.

William Buchannan of Drummakeill, for Johne Buchannan in Camroun, 1000 merks, not to harm Bernard Cunnynghame in Catter.

Edinburgh, 31st August. Edward Forrester and John Acannan.

William M°Clellane of Auchlene, for Edward Forrester, commissary of Kirkcubright, and Johnne Acannan in Barlochan, 1000 merks each, not to harm Thomas M°Michen in Almernes, Edward Maxwell of the Yle, or Johnne Maxwell, his son. The band, registered by Mr Alexander Cuming, advocate, and written by Anthone Quhyte, writer in Edinburgh, is subscribed at Auchlane, 28th August, before Johnne Broun of Land, Thomas Broun, his brother, Patrik Edzer, burgess of Wigtoun, and Johnne Broun of Shambellie.

Fol. 310, b.

Edinburgh, 1st September. Robert Home.

George Home of Lawfeild and George Home in Aytoun, for Robert Home, portioner of Haymouth, 2000 merks, on being freed of his present ward in the tolbooth of Edinburgh, to re-enter therein by 5th November next.

Fol. 311, a.

Hew Gilmour.

Johnne Gilmour, writer to the signet, for Hew Gilmour, armourer, his brother, 1000 merks, to answer before the Council when charged for the wounding of William Trotter, a young boy, on 5th August last.

John Charteris.

Hew Charteris, merchant, burgess of Edinburgh, for Johnne Charteris in Nether Cra, 300 merks, to answer before the Council, on 29th instant, for invading David Maxwell in Treifegrange, James, Thomas, Johnne, and Donald M°Gowynes there, and Johnne Hay there, on their own lands of Treifegrange, and for wounding the said David; also to pay within 40 days hereof 20 merks to the Treasurer for his escheat.

Fol. 311, b.

Robert Turnbull.

Robert Turnbull in Longtoun, in the parish of Jedburgh, appears and

admits having received from James Prymrois, clerk of Council, 300 merks, which William Bennet in Chesteris was ordained to pay to the said Robert, for hurting him, and Bessie Dowglas, his spouse. The acquittance, written by Johnne Cas, writer, is subscribed at Edinburgh, 1st September, before William Fouler, merchant, burgess of Edinburgh, Richard Falconer, Richard Falconer, younger, in Burrowstounes, Thomas Dicksone, son of Thomas Dicksone, merchant, burgess of Edinburgh, and Johne Heriot, tailor, burgess there,—Robert Coltert and Johne Cass, notaries, subscribing for Robert Turnbull. Acta Caut. 1607–1609.

Edinburgh, 2nd Sept. George Glendoning.

William Glendoning of Laggane for George Glendonyng, his brother, 2000 merks, not to harm Sir Robert M°Clellane of Bombie. George Glendoning, brother of the goodman of Drumrashe, appears and grants having received from James Prymrois 1000 merks, consigned in his hands by Sir Robert M°Clellane of Bombie, to be given to said George for the wounding of him by the Laird of Bombie. The acquittance, written by Lourence Keir, servitor to Prymrois, is subscribed at Edinburgh, 2nd September, before William Glendonyng, his brother, and said Keir. Fol. 311, b. Fol. 312, a.

William Turner.

William M°Kie of Kerequhorne, bailie of Wigtoun, for Mr William Turnour, commissary of Wigtoun, 300 merks, not to reset Alexander and William Muris, put to the horn, at the instance of Sir Johnne Dunbar of Mochrum, for forging a pretended tack of the lands of Arrowland. The band, registered by Mr Patrik Forrest, advocate, and written by William Dunbar, notary, is subscribed at Wigtoun, 29th August, before Neill Campbell, burgess of Wigtoun, said writer hereof, William M°Culloche, beadle, and Downie M°Caawnie in Borrowmos. Fol. 312, b.

Edinburgh, 5th Sept. Alexander Nimmo.

Patrik Nemo, tailor, burgess of Edinburgh, for Alexander Nemo, servitor to Thomas Hering of Kirktoun of Bathcat, £100, on being freed furth of his present ward in the Tolbooth of Edinburgh, to re-enter therein by 15th instant,—Andro Kneland, writer, and agent for the town of Edinburgh, becoming surety in relief. Fol. 313, a.

Nicol Steven.

Robert Henrysone, portioner of Cornetoun, for Nicoll Stevin in Orchyard of Tulliebody, 500 merks, not to harm Adame, commendator of Cambuskenneth, or Sir James Erskin of Craig. The band, registered by Mr Johnne Daling, advocate, and written by William Lamb, notary in Stirling, is subscribed at Stirling, 2nd September, before Johnne Andersone, baxter in Stirling, Johnne Leggat, baxter there, Johnne Reid, flesher there, and Johnne Clerk, baxter there,—William Lamb and William Young, notaries, subscribing for the surety and principal.

Edinburgh, 7th Sept. Parson of Peebles and others.

James Gledstanes, apparent of Coklaw, for Mr Archibald Douglas, Mr Johnne Douglas, his son, James Ellot, Stevin, William, and Johnne Robertsonis in Esheillis, James Horsburgh there, Adam and Johne Winterhoipis there, James Newtoun, and Thomas Smyth, not to harm the provost, bailies, council and community of the burgh of Peblis, under the pains in the King's letters. The band, registered by Mr Johnne Skrogie, advocate, and written by James Ramsay, servitor to James Fol. 313, b.

Acta Caut. 1607–1609. Kynneir, writer, is subscribed at Peblis, 7th September, before Hectour Cranstoun, reader at Peblis, Petir Haldin, and Johnne (? Harie) Forrester.

Fol. 314, a. James Kennedy of Culzean and Hew Kennedy of Pinquhirrie, for George Corrie of Kelwood, Johnne Davidsone of Pennyglen, Patrik M°Ilvane of Grummett, Gilbert Ros, provost of Mayboill, Gilbert Fergusoun of Dalduff, Alexander Kennedy of Daljarrak, Alexander Kennedy of Drumnell, Quintene Kennedy in Kilkerrane, Oliver Ros in Mayboill, Johnne Kennedy, notary there, George Colt there, James Kennedy there, Johnne Mure, merchant there, Patrik Hutchioun there, Matthew M°Gowne, Robert Rowan there, David M°Walter, Johnne Duncan there, Hew M°Carter there, Helen Kennedy, widow, there, Robert Hunter there, Johnne Wallace, smith there, Hew Gray, prebendary there, Gilbert Cracher there, Johnne Grethrig there, Gilbert M°Ilvane there, Johnne Mure of Craigskeane, James Mure in Thomastoun, Hew Kennedy of Garriholme, Johnne Kennedy of Crochbae, Moreis M°Murrie of Cultezeoun, William Or in Barcley, Johnne Kennedy, brother of Walter Kennedy of Knokdone, Johnne Campbell in Bullecullie, Neill M°Rankyne in Glengovane, Patrik Young in Provestland, Walter Kennedy of Knokdone, Johnne Cathcart of Carletoun, elder, Johnne Cathcart of Carltoun, younger, Johnne Hammyltoun of Dunbeg, Andro M°Ilwreth in Mayboill, James Goldie there, Andro Cochran there, William Smyth there, Johnne M°Karny at the Kill, not to reset or intercommune with Alexander Kennedy, brother of James Kennedy of Culzeane, or Johnne Cathcart of Glenduisk, denounced to the horn at the instance of Johnne and Gilbert Bannatynes, during their rebellion, under the pains in the King's letters. The band, registered by Mr Laurence Makgill, advocate, and written by Oliver Ros in Mayboill, is subscribed at Mayboill, 5th September, before Gilbert Kennedy in Pennacher, Thomas Wod in Mayboill, Mr Johnne Potterfeild, schoolmaster, and Alexander M°Nedar in Drumnoir. Edinburgh, 8th Sept. Corrie of Kelwood and others.

Fol. 315, a. George Corrie of Kelwod, for James Kennedy of Culzeane, not to reset Alexander Kennedy, his brother, or Johnne Cathcart of Glendrusk, denounced at the instanee of Johnne and Gilbert Bannatyne, under the pains in the King's letters. The band, registered, etc., as above, is witnessed by Johnne Kennedy, brother of Walter Kennedy of Knokdone, Patrik M°Ilvane in Mayboill, and Johnne M°Quharye, servitor to the Laird of Culzeane. Kennedy of Culzean.

Johnne Kennedy, notary in Mayboill, for Kennedy of Balmaclanoquhen, not to reset said Alexander Kennedy or Johnne Cathcart. Band, registered, etc., as above, is witnessed by Patrik M°Ilvane, and Hew Kennedy, younger of Drumnellen,—the surety being writer hereof. Kennedy of Balmaclanochan.

Fol. 315, b. William Forbes of Corsindae, for Magnus Gariauch in Drumnahoy, 200 merks, not to reset Johne Forbes of Logie, William Forbes in Mylbue, or James Keith in Kinmudie, while at the horn for the slaughter of Robert Merser in Tombeg. The band, registered by Mr James Sandilandis, advocate, is subscribed at Corsindae, 1st September, before William Edinburgh, 9th Sept. Magnus Garioch.

Gariauch of, Johnne Gariauch in Bromefeild of Corsindae, Alexander Mortimer in Balwaik, Johnne Robertsoun, notary public, and Robert Mylne (Mill), writer hereof. Acta Caut. 1607-1609.

Edinburgh, 13th Sept. Mr Archibald and Harry Aitcheson.

Andro Auchmutie, merchant, burgess of Edinburgh, for Mr Archibald Atchesoun, advocate, £500, and for Harie Atchesoun, his brother, 400 merks, not to harm Johnne Richardsoun, merchant, burgess of Edinburgh. Fol. 316, a.

Edinburgh, 21st Sept. James Williamson.

David Douglas of Glaspen, for James Williamsoun in Craufurd, 400 merks, not to harm Adam Moffet or George Boyd in Newtoun.

Edinburgh, 23rd Sept. Patrick MacDowell of Creochs.

Johnne M^cDoull of Freuch, for Patrik M^cDowell of Creocheis, 1000 merks, not to harm Sir Johnne Dunbar of Mochrum. The band, registered by Mr Alexander Moresoun, advocate, and written by James Glover, notary, is subscribed at the Inche, 4th September, before Uthred M^cKie in Inermessan, Johnne M^cDowell in Balkir, and Robert M^cDowell, "my servitour." Fol. 316, b.

Patrick MacDowell.

Johnne M^cDowell of Freuch, for Patrik M^cDowell in Challechmun, not to reset Alexander and William Mureis, sons of late Archibald Mure in Arretblair, under the pains in the letters raised by Sir Johnne Dumbar of Mochrum. The band is registered, etc., as above. Fol. 317, a.

Gavin Dunbar of Baldon and his sons.

Johnne Maxwell of Murreith, for Gawin Dumbar of Baldone, £1000, and for David and Archibald Dumbaris, his sons, £500 each, not to harm Sir Johnne Dumbar of Mochrum. The band, registered by Mr Alexander Moresoun, advocate, and written by Archibald Dumbar, son of the said Gawin, is subscribed at Baldone, 20th September, before William Agnew, goodman of Barmell, Johne Clerk in Barmell, and Alexander Dumbar, son of the goodman of Ballidone. Fol. 317, b.

Edinburgh, 24th Sept. Hamilton of Innerwick.

Johnne Achesoun, portioner of Inveresk, for Sir Alexander Hammiltoun of Innerweik, 2000 merks, and for James Hammiltoun and David Ramsay, his servants, 500 merks each, not to harm William Neisbit in Newtounleis. Fol. 318, a.

Earl of Cassillis and his servant.

Patrik M^cKie of Blairdirrie, for Johnne, Earl of Cassillis, £500, and for Johne Sklaitter in Maybole, his servitor, not to intercommune with Alexander Kennedy, brother of James Kennedy of Culzeane, or Johne Cathcart of Glenduisk, denounced at the instance of Johne Bannatyne, messenger, and Gilbert Bannatyne, his brother. The band, registered by Robert Hammiltoun, advocate, is subscribed at the Inche, 20th September, before Alexander M^cKie of Stronorde, Gilbert Ros, provost of Maybole, writer hereof, and Arthour Kennedy and Robert Kennedy, servitors to the said Earl,—Gilbert Ros subscribing for Sklaitter.

Edinburgh, 26th Sept. Alexander Forbes.

Johnne Forbes of Petsligo, for Alexander Forbes of Fengas, £2000, not to harm Alexander Irwing of Drum, Mr Robert Irwing, portioner of Moncoffer, James Irwing of Acheoche, William Irwing of Beltie, Johne Irwing of Ardtanfurd, or Johnne Irwing of Petmurchie, elder. The band, registered by Mr Oliver Colt, younger, advocate, and written by Normond Forbes, servitor to Johne Forbes of Petsligo, is subscribed at Tolquhone, 21st September, before Robert Forbes, Adam Abircrombye, Alexander Abirnethie, and James Forbes, servitors to the Laird of Petsligo. Fol. 318, b.

Acta Caut. 607–1609. Vol. 319, a.

Alexander Forbes of Fengas, for Johnne Forbes of Petsligo, 2000 merks, not to harm Alexander Irwing of Drum or any of his fore-mentioned colleagues. The band is registered, etc., as above. Forbes of Pitsligo.

Vol. 319, b.

George Ker of Lintillis, for George Tait of Stankfurd in Yettame, £500, not to harm Johnne Hog, portioner of Old Roxburgh, or William Hog, his son. The band, registered by Mr William Naper, advocate, and written by Johnne Turnble, notary, is subscribed at Jedburgh, 15th September, before Alexander Wichart, notary, Richart Rae, merchant, William Allensoun, dean of guild in Jedburgh, and Robert Scot, burgess there. Edinburgh, 27th Sept. George Tait.

Vol. 320, a.

Patrik Somervaill, merchant, burgess of Edinburgh, and Thomas Baxter in the Cannogait, for James Murray, master of work, £1000, to answer before the Council, on 3rd November next, for the "contempt" done by him in pursuing Finla Tailyeour, bailie of the Cannogait, with a drawn whinger in the Abbey Close of Holyrudhouse on 28th instant; also not to harm him in time coming. Edinburgh, 29th Sept. James Murray.

Vol. 320, b.

Johnne Bannatyne in Leith, for Finla Tailyeour, bailie of the Cannogait, £1000, not to harm James Murray, master of work. Finlay Taylor.

William Wauchop of Stotancleuch for Robert Swyntoun of that Ilk, 2000 merks, and for George Swyntoun, his servant, £500, not to harm William Nesbit in Newtounleis. Robert and George Swinton.

Vol. 321, a.

James Gairdner of Skeoch, for David Mushet, portioner of Murdechstoun, 500 merks, to answer before the Council on 13th October next to a complaint against him by Robert Mushet, notary in Stirling, and Marjorie Mushet, relict of James Forrester of Arnvicar, for destroying a heritable contract whereby he, and Waltir Grahame, fiar of Meklewood, were bound in payment to the said Marjorie of 1000 merks. David Mushet.

Sir Robert Douglas of Coshogill, for Adam Menzeis of Enoch, not to harm Johne Fergusoun of Craigdarroch, Robert and Thomas Fergusonis, his sons, Johne Fergusoun, son of said Robert, Johne Fergusoun in Corrochdow, Thomas Fergusoun in Inpruboy, Robert Fergusoun of M°Alstoun, Johne Fergusoun of Over Inglestoun, Niniane Fergusoun of Knokmonthlie, or Johne Fergusoun of Blaroch, under the pains in the King's letters dated 5th August 1608. The band, registered by Robert Hammiltoun, advocate, and written by Symone Purdie, notary public, is subscribed at Caschogill, 26th September, before William Douglas and Robert Douglas, sons of the surety, Hew Douglas of Dalvens, and Johne Douglas, tacksman of Durisdeir. Adam Menzies.

Vol. 321, b.

David Litle of Baldirsgill for David Grahame, weaver, to be answerable at the instance of Mr Alexander Hammiltoun of Kinglas according to law. David Graham.

Johnne Haliburtoun of Mertoun, for Andro, his brother, and William Haliburtoun, his uncle, 500 merks, for Johnne Halyburtoun of Murroslaw, £500, and for Thomas Haliburtoun in Mertoun, George Halyburtoun there, Robert Mylne, called Laird Mylne, there, Andro Haliburtoun, brother of Johne Haliburtoun of Muraslaw, and Robert Halyburtoun in Mertoun, 400 merks each, not to harm William Ker, younger of the Yair. Edinburgh, 1st October. Andrew Haliburton and others.

Haliburton of Merton.

Harie Home of Moreistoun, for Johnne Halieburtoun of Mertoun, £1000, not to harm William Ker, younger of the Yair. The band, registered by Mr Oliver Colt, younger, advocate, and written by Mr Oliver Sinclar, is subscribed at Mertoun, 30th September, before Johnne Haliburtoun of Murrayslaw, Mr James Schaw, schoolmaster at Mertoun, and said writer hereof. Acta Caut. 1607-1609. Fol. 322, a.

John Forbes of Gask.

Johnne Forbes of Brux, for Johnne Forbes of Gask, £1000, not to harm Alexander Irwing of Drum or any of his colleagues foresaid (*ante*, p. 672). The band, registered by Mr Johnne Skrogie, advocate, is subscribed at Muresk, 25th September, before Alexander Forbes in Turreffe, Johnne Shand, merchant there, Mr William Ogstoun, schoolmaster in Turreff, and William Ogstoun, notary public. Fol. 322, b.

Alexander Forbes.

Johnne Forbes of Brux, for Alexander Forbes, son of late Alexander Forbes of Gellan, 1000 merks, not to harm Alexander Irwing of Drum, or any of his colleagues foresaid (*ante*, p. 672). The band, registered by Mr Oliver Colt, younger, advocate, and written by Alexander Midletoun, notary public, is subscribed at the mill of Gellan, 27th September, before Johnne Forbes, son of Duncane Forbes of Beyith, Robert Lindesey, minister at the kirk of Coull, Alexander Hay, servitor to said Johnne Forbes, and said writer hereof. Fol. 323, a.

Edinburgh, 4th October. Bain of Tulloch.

Alexander Bayne of Logywester, for Duncane Bayne of Tullich, £1000, not to harm Johnne Monro of Lymlair, Andro Monro of Tenneallar (Teanewir), or George Monro of Catnall. The band, registered by Mr Oliver Colt, elder, advocate, and written by Duncane Bayne, is subscribed at Loggie, 24th September, before Rorie Dingwall, burgess of Dingwall, William Kemp, burgess there, Mr Ronald Bayne, bailie there, and Archibald Sudderland, servitor to the surety. Fol. 323, b.

John Bain.

Duncane Bayne of Tullich, for Johnne Bayne, his son, 500 merks, not to harm Johnne Monro of Lanlair, or his colleagues above-written. The band, registered by Mr Oliver Colt, elder, and written by Donald Makgillichame, is subscribed and witnessed as above, without Sudderland. Fol. 324, a.

James Richardson.

William Cranstoun, saddler, burgess of Edinburgh, for James Richartsoun, saddler, burgess there, 1000 merks, not to harm Johnne Harlaw, saddler there; also to pay to the Treasurer 10 merks for his escheat goods within 40 days hereof. Fol. 324, b.

Edinburgh, 5th October. Walter Scott.

William Levingstoun, portioner of Newbigging, for Waltir Scot of Todschawhill, burgess of Hawick, 1000 merks, to enter before the Council, on 13th October next, George Scot, his son, to answer to the complaint against him by the bailies of Hawick for breaking the "stokis" of Hawick.

John Ferguson.

Mr Gilbert Gordoun of Schirmeris, for Johne Fergusoun of Craigdarroch, Robert Fergusone, younger of Craigdaroch, and Thomas Fergusone, son of said Johne, £1000 each, not to harm Adame Menzeis of Enoch, Robert M^{c}Ghie, Peter Patersone, Patrik Broun in the Mains of Enoch, Johne Ratray, Duncane Wilsone, David Lawsone, and James Roy, servitors to the said Adame and Thomas M^{c}Ghie in Enoch. The band, registered by Fol. 325, a.

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Mr Alexander King of Drydane, advocate, and written by Thomas Fergusone at Schirmeris, is subscribed at Schirmeris, 2nd October, before Johne Fergusone, son of the said Robert, Homer Maxwell, oy to the Laird of Craigdarroch, Johne M°Burnie, servant to the surety, and Johne Fergusone and Oswald Denholme, servants to the Laird of Craigdarroch.

Edinburgh, 6th October. Alexander Kirkpatrick.

Fol. 325, b. Sir Thomas Kirkpatrik of Cloisburne, for Sir Alexander Kirkpatrik of Kirkmichaell, 2000 merks, Johne Kirkpatrik of Alisland, and Margaret Kirkpatrik, relict of William Maxwell of Cowhill, £1000 each, Edward Kirkpatrik of Dressetland, Johne Stewart of Cammer, Henry Horner of Campell, Johne Kirkpatrik of Gilkersland, Mr Samuell and Alexander Kirkpatrik, brothers of the said Sir Thomas, William Kirkpatrik, apparent of Kirkmichaell, and Roger Kirkpatrik of Rig, 1000 merks each, and for Alexander, Johnne, and George, sons of said Sir Thomas, Johne Kirkpatrik, son of Laird of Carmichaell, Johne Kirkpatrik, younger of Alisland, Johne and Thomas Kirkpatrikis, brothers of Laird Dressetland, Roger, Thomas, Daniell, and Petir Kirkpatrikis of Glendenholme, Mungo Wilsoun, servitor to the said Sir Thomas, Petir Smyth of Lagneny, and Johnne Kirkpatrik *alias* Reid Johnne, 500 merks each, not to harm Archibald Maxwell, apparent of Cowhill, or Robert, Johnne, and Edward Maxwellis, brothers of said Archibald.

Fol. 326, a. Hew Chairtres, merchant, burgess of Edinburgh, for Johne Chairtres in Nether Cra, 1000 merks, to answer before the Council, on 3rd November next, to a complaint against him by David Maxwell in Treifgrange, James, Thomas, Johne, and Donald M°Gownis there, and James Ahannay there, for assaulting them on their lands of Treifgrange, and wounding the said David Maxwell. John Charteris.

Thomas Weir of Nether Kirktoun, for George Weir of Stanebyris, 2000 merks, not to harm Mr James Durahame of Duntervie. The band, registered by Mr Alexander Peiblis, advocate, and written by Robert Mowatt, writer in Lanerik, is subscribed at Lanerik, 4th October, before Johnne Weir in Auchtingemmyll, William Weir of Clarkistain, Thomas Hutsoun, writer in Lanerik, and said writer hereof. George Weir.

Fol. 326, b. Johnne Hammyltoun of Gylcarscleuch for James Weir of Blaikwod, and George Weir, his oy, fiar of the same, not to harm Mr James Durahame of Duntervie, under pain of 4000 merks between them. The band, registered by Mr Thomas Mawer, advocate, and written by Mr James Weir, is subscribed at the abbey of Lesmahago 6th October, before Johnne Weir in Cleuchdyk, James Bannatyne in Mott, James Weir of Johnishill, and said writer hereof.

Edinburgh, 10th October. James Weir and others.

Fol. 327, a. Robert Johnnstoun, tutor of Johnnstoun, James Johnnstoun of Bracansyd, and Robert Frenshe of Frenshland, for Robert Johnnstoun of Corheid, £2000, not to harm Thomas Hewart in Clarefute; also not to bear hagbuts or pistolets at any time hereafter. The band, registered by Lourence Scot, advocate, and written by Alexander Wylie, servitor to the clerk of Council, is subscribed at Edinburgh, 30th September, before Johnne Mure of Auchindrane, and Robert Johnnstoun, merchant, burgess

Edinburgh, 12th October. Johnstone of Corhead.

of Edinburgh, and also at Moffett, 9th October, before James Grahame of Longbodom, Johnne Johnsoun of Cragaburne (Cragobryane), Thomas Blaitlok, and Mertyne Glendoning. Acta Caut. 1607–1609.

Edinburgh, 13th October. Turnbull of Minto.

Thomas Turneble of Myuto, as principal, and Johnne Baxter, tailor, burgess of Edinburgh, as surety, £5000, to appear before the Council on 27th October next, in order to subscribe an assurance to the Laird of Phairnyhirst, and in the meantime not to harm the said Laird. Fol. 327, b.

Edinburgh, 17th October. William Cowper and others.

Mr George Fraser, burgess of Edinburgh, for Johnne Cruves, William Cowper, Stephane Makkie, David Andersone, Andro Chalmer, Alexander Thyne, Johnne Leslie, Ronnald Forbes, Mr Gilbert Keyth, Duncane Emslie, and Thomas Small, burgesses in Kintore, 100 merks each, to elect magistrates to bear office within the said burgh this year, conform to the charge given to them, if it be found by the Secret Council that they ought to do so; also each of them to pay to the Treasurer £10 for their escheat goods within 40 days hereof. Fol. 328, a.

Edinburgh, 19th October. Sir John Maxwell.

Johnne Houstoun of that Ilk, and Johnne Maxwell of Stanelie, for Sir Johnne Maxwell of Pollok, 10,000 merks, not to reset or intercommune with Johnne, Lord Maxwell, or any of his rebellious accomplices. The band, registered by Mr Alexander Sym, advocate, and written by Lourence Keir, servitor to the clerk of Council, is subscribed at Scone, Houstour, and Stanelie, 13th and 17th October, before Archibald Dunbar, Robert Maxwell, Robert Boyd, servitors to the said Sir Johne, Mr Thomas Mure, William Quhyt, servitors to the Laird of Houstoun, Johne Craig and Robert Neilie, servitors to the Laird of Stanelie.

27th October. Patrick Sinclair.

Patrik Kirkcaldy of Commoun, for Patrik Sincler of Pityokar, 1000 merks, to desist from leading the teind sheaves of the parish kirk of Dysart for the present year, and permit Sir James Weymes of Bogy to lead and stack the same, conform to the charge given. Fol. 328, b.

George Stirk.

James Thomsone, portioner of Auchtermuchtie, for George Stirk, younger of Bandene, 500 merks, not to harm David Gairdin, younger in Denchrone. Fol. 329, a.

Edinburgh, 28th October. Earl of Angus.

James, Lord Torthorwald, and George Weir of Blakwod, for William, Earl of Angus, 10,000, merks, to go abroad by 10th November next, and not return without his Majesty's special license, and in the meantime to remain in the house of Tamptalloun or within six miles about it.

Andrew Fraser of Mukall.

Johnne Arbuthnot of Carnegaw for Andro Fraser of Muckell, £500, and George Fraser of Corsky, his servitor, 500 merks, not to reset Johnne Forbes of Logy, James Keyth of Kynnaldy, or William Forbes in Mylnebuy, while at the horn for the slaughter of Robert Merser in Tombeg. The band, registered by George Abernethie, advocate, and written by Thomas Crombie, writer to the signet, is subscribed at Muckell 22nd October, before Mr Duncane Forbes of Balnagask, William Garioch, Mr William Davidsone, servitors to the said principal, and said writer hereof. Fol. 329, b.

Edinburgh, 1st November. Earl of Angus.

James, Lord Torthorwald, and Alexander Douglas of Maynes, for William, Earl of Angus, to go abroad by 10th November next, and not return without the King's license, and in the meantime to remain in his Fol. 330, a.

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house of Tamptalloun, under pain of 10,000 merks. The band, registered by Sir Johnne Arnot of Berswick, and written by Lourence Keir, servitor to the clerk of Council, is subscribed at Edinburgh, 29th October, before James Prymrois, Clerk of Council, Mr James Prymrois in Culros, Johnne Young, writer to the signet, George Inglis and William Carlyle, servitors to Lord Torthorwald, and Alexander Wylie and said Keir, servitors to Clerk of Council.

Fol. 330, b. Johnne Bayne of Sligo for Duncane Bayne of Tullich, £1000, not to harm William M^cHucheoun M^cCoull. The band, registered by Mr Oliver Colt, elder, advocate, and written by Donald M^cGillichoane, is subscribed at Dinguavall, 24th October, before said writer hereof, Johne Bayne, son of the Laird of Tullich, William Kempe, burgess of Dinguavaill, and Rorie Dingwall, burgess there. Duncan Bain of Tulloch.

Fol. 331, a. William Menzeis of Castelhill, for Gilbert Greir of Drumleff, and Margaret Johnstoun, Lady Chapell, 500 merks each, and for Margaret Kirco in Chapell, 200 merks, not to harm Adam and Masie Kirkcois in , donators to the ward of the lands of Chappell, Agnes Greir, relict of Robert Morrene, younger of Kirkbus, or Gilbert M^cCune, now her spouse; also each of them to pay to the Treasurer £20 for his escheat within 40 days hereof. Edinburgh, 2nd Nov. Gilbert Grier and others.

Fol. 331, b. Sir Thomas Kirkpatrik of Cloisburne for Margaret Kirkpatrik, relict of William Maxwell of Cowhill, 1000 merks, not to harm Edward, Robert, and Chairlis Maxwellis, brothers of Johne Maxwell of Conhaith, Alexander Mulligayne in Halytoun, George Mulligayne there, William Ewart there, George Carrour in Hill, David Kaill in Killilung, Adam Nairnis there, David Maxwell in Middle Killilung, Thomas Robsoun there, Johnne M^cEwne there, Robert M^cBirnie in Nether Killilung, Gilbert Wallace there, Johnne Synclair there, Thomas Bek there, Johne M^cBurnie there, David Watsone there, Johne M^cMurdy there, Johnne Hanyng in Lochfute, Johne Greir in Woodhoill, Johne Cairlile in Newtounrig, Henry Jacksoun there, William Greir there, Rowie Harper there, Johne Neilsoun in Mossyde, Johnne Jacksoun in Muresyde, elder, Johne Jaksoun, younger, there, Johnne Beck there, Fergus Clerk in Calschangeir, Johne Lowrie in Blakerne, Johnne there, Johne Herreis in Felend, Johne Smyth in Bartessin, Johnne Gordoun there, Cuthbert Freschie there, Johnne Bek there, Archibald Croket in Holme of Dalskeith, James Currour there, Andro Clerk there, Johnne Croket there, Johne Murdoch there, Gilbert Croket there, Andro Mullegine, burgess of Drumfreis, James Schairp, burgess there, Homer Hanyng there, James Maxwell in Vennelfute, James Pane in Bilbow, James Edzar in Troqueir, Johnne Ritchie there, Johnne Bek there, Johnne Edzer there, Thomas there, Johnne Greir in Blakaiker, Andro Thomesone in Quarrelwood, Alexander Thomesoun there, Gilbert Robsoun in Duncow, Johne Mashlie there, Alexander Robsoun in Castelhill, Symon Robson there, Symon Kirk there, James Mellis there, Mark M^cMertine there, Johne Blak there, Johnne Mitchell there, Fergus Greir there, Johne Wilsoun in Nuk, Johnne Margaret Kirkpatrick.

Wilsoun in Duncow, James Achesoun there, James Maxwell there, Robert Wallace in Curreyeild, Robert Scot in Auchnicairne, James Scot there, Johne Waltrat there, Johne Johnnstoun in Quhitstanes, Johne Johnestoun, younger, Chairlis Gulisoun in Newtoun, Johne Hereis there, Harbert Tait there, Thomas Broun of Stanquhen, David Watsoun in Windiehillis, Johne Maxwell in Brigend, Andro Ireland in Carreyeild, Edward and Johne Wallaceis there, and James Gall in Gulihill. Acta Cant. 1607-1609.

Edinburgh, 3rd Nov. Turnbull of Minto and his spouse.

William Turnbull of Gaitoscot and Johne Notman in Moshoussis, for Thomas Turnbull of Mynto, and Barbara Home, his spouse, 200 merks, to appear before the presbytery of Jedburgh, and bear witness anent the "cryme of fornicatioun" alleged and committed by Mr James Johnnstoun, parson of Mynto, with Bessie Dalmahoy, in case it be found that they ought to do so. Fol. 332, a.

Edinburgh, 4th Nov. John Cranston.

Alexander Cranstoun of Burnecastell for Johnne Cranstoun of Skaittisbus, 3000 merks, not to harm Thomas Cockburne of Newhall. Fol. 332, b.

John Innes of Leuchars.

Alexander Innes of Coittis for Johnne Innes of Leuchairis, £1000, not to harm Mr Alexander Hay, Lord of Foistersait, conform to the King's letters dated at Edinburgh 8th August 1608. The band, registered by Mr Johne Dempstair, advocate, and written by Nicolas Dumbar in Elgin, is subscribed at Elgin, 22nd October, before Johnne Leslie, burgess of Elgin, George Cumming, burgess there, notary public, George Sutherland, burgess there, William Layng in Lewcheoris, and said writer hereof.

Thomas Cockburn.

David Forrest of Gynnerismylne for Thomas Cockburne of Newhall, 3000 merks, not to harm Johnne Cranstoun of Skaittisbus. Fol. 333, b.

John Carmichael.

Johnne Cunnynghame of Bonytoun for Johnne Carmichaell in Maynis, 1000 merks, not to harm Mark, Earl of Louthiane, Andro Johnnstoun, or David Johnnstoun in Kennelheid; also to pay to the Treasurer £20 for his escheat goods within 40 days hereof.

Edinburgh, 5th Nov. Presbytery of St Andrews.

William Cranstoun of Gilmertoun for the moderator and brethren of the presbytery of St Androis, £40, to remove a seat erected by Umphra and James Lundyes in the kirk of Largo from its present place and to set it in some other commodious place in the said kirk. Fol. 334, a.

Forbes of Corsindae.

James Mortimer of Auquhorteis, fiar of Cragiewar, for William Forbes of Corsinda, 500 merks, not to reset Johnne Forbes, apparent of Logy, James Keyth of Kynnaudie, or William Forbes of Mylnebuy, while they remain at the horn for the slaughter of Robert Merser in Tombeg. The band, registered by Mr Robert Lermonth, advocate, is subscribed at Corsinday, 31st October, before Johnne Nukell, Thomas Mortimer, and Robert Mylne, writer hereof.

James Garioch and his son.

Williame Forbes of Corsinday for James Gariauch, elder of Kingstair, and William Gairiauch, his son and apparent heir, 500 merks each, not to reset Johnne Forbes or his accomplices foresaid, rebels for the said cause. The band, registered by Mr Robert Lermonth, is subscribed at Hauchtoun, 20th October, before Johnne Gariauch, Alexander Mortimer in Balwak, and Robert Mylne, writer hereof. Fol. 334, b.

Earl of Cassillis.

Gilbert Fergusone of Dalduffe for Johnne, Earl of Cassillis, 5000 merks, Fol. 335, a.

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not to harm Thomas Hay of Park, or Thomas and Alexander Hayis, his sons. The band, registered by Robert Hammyltoun, advocate, is subscribed at Mayboill, 1st November, before Gilbert Ros, provost of Mayboyll, writer hereof, William Hammyltoun, Robert Kennedy, and James Mure, servitors to the principal.

Fol. 335, b. Sir Thomas Kirkpatrik of Cloisburne for Margaret Kirkpatrik, relict of William Maxwell of Cowhill, to pay to the Treasurer £40 for his escheat goods within 40 days hereof, or else to obtain herself relaxed from the horning used against her by Robert, Edward, and Chairlis Maxwellis, brothers of Johnne Maxwell of Conhaith, and the other persons contained in said letters of horning. Margaret Kirkpatrick.

Hary Dow, portioner of Row, for Robert Grahame, called of Hewend, £100, to answer before the Council on 12th January next to the complaint against him by Rolland Armestrang of Brumeholme for lying in wait about the house of Brumeholme and wounding Thomas Armestrang, tenant to the complainer in the lands of Brumeholme, running forays on the said lands, seeking the complainer for his slaughter, and hurting divers of his servants; also to pay to the Treasurer £10 for his escheat within 40 days hereof. Edinburgh, 10th Nov. Robert Graham.

Fol. 336, a. George Johnnstoun of Corrie for Robert Moffett in Mekleholmsyd, 2000 merks, not to harm Robert Frenshe of Frenshland,—Robert Grahame in Hoilhous, and James Moffett, merchant, becoming sureties in relief. Edinburgh, 11th Nov. Robert Moffat.

Fol. 336, b. Robert Williamsone of Shortcleuch for James Williamsone, portioner of Crawfurd, 1000 merks, not to harm Mathew Moffett of Quhytecampe. Edinburgh, 17th Nov. James Williamson.

Patrik Portous of Halkschaw for George Boyd in Over Newtoun in Crawfurdmure, not to harm James Williamsone in the town of Crawfurd, under the pains in the King's letters. Edinburgh, 21st Nov. George Boyd.

Fol. 337, a. Robert, Commendator of Monymusk, for Abrahame Forbes of Blaktoun, 500 merks, not to reset Johnne Forbes of Logy, William Forbes of Mylbuy, or James Keth of Kynnadie, denounced for the slaughter of Robert Merser in Tombeg. The band, registered by Mr Robert Lermonth, advocate, and written by Gilbert Thomsone, notary public, is subscribed at Aberdyne, 12th November, before Mr Robert Gordoun, brother of Laird of Pitlurg, Mr William Andersone, sheriff clerk of Aberdyne, Johnne Hunter, his servitor, and said writer hereof. Abraham Forbes.

Fol. 337, b. Abrahame Forbes of Blaktoun for Robert, Commendator of Monymusk, 500 merks, not to reset Johnne Forbes of Logy or any of his rebellious accomplices foresaid. The band is registered, etc., as above. Commendator of Monymusk.

Fol. 338, a. Patrik Meane (Meyn), cooper, burgess of Edinburgh, for Patrik Meane, cooper in Leyth, 200 merks, to answer before the Council on 1st December next for hurting and wounding William Cuthill, tailor in Leyth, , his spouse, James Downie, boatman there, and Robert Orrok, son of Captain David Orrok in Leyth, also to pay to the Treasurer 10 merks for his escheat goods within 40 days hereof,—Johnne Meane, cooper in Leyth, becoming surety in relief. Edinburgh, 23rd Nov. Patrick Mean.

Fol. 338, b. James Ros of Wardlaw for Johnne Ros, younger of Holmylne, and John Ross and others.

William Kneland of Knowhoblehill, 1000 merks each, and for Gilbert Mure, burgess of Linlithgu, and Johnne Hammiltoun, writer, 500 merks each, not to harm Johnne Turnble in Gormyre, Johnne Turnble, his son, or Thomas Forsyth, his servant. Acta Caut. 1607-1609.

Thomas Baillie and Thomas Hamilton.

James Polwart of Cathlaw for Thomas Baillie of Dunsystoun and Thomas Hammyltoun in the Shottis, 500 merks each, not to harm Johnne Turneble of Gormyre, Johnne Turneble, his son, or Thomas Forsyth. Fol. 339, a.

Alexander Innes.

Johnne Innes of Lewcheoris for Alexander Innes of Coitis, £1000, not to harm Mr Alexander Hay of Foistersait, conform to the King's letters dated at Edinburgh 8th August 1608. The band, registered by Mr Johnne Russell, advocate, and written by Andro Innes, writer in Elgin, is subscribed at Elgin, 10th November, before George Cuming and George Annand, notaries, burgesses there, William Layng, "my servitour," and said writer hereof.

Kennedy of Culzean.

James Kennedy of Crugiltoun for James Kennedy of Culzeane, 3000 merks, not to harm Thomas Hay of Park. Fol. 339, b.

Edinburgh, 26th Nov. Patrick Butter.

William Gordoun of Aberzeldie for Patrik Butter, son of Patrik Butter, sometime of Marytoun, 300 merks, not to bear hagbuts or pistolets at any time hereafter.

Edinburgh, 1st December. James Cheyne.

Robert Home, younger of Heuch, for James Cheyne of Pennan, 1000 merks, to answer before the Council on 12th January next to the complaint against him by Alexander Fraser, apparent of Pilorth, for destroying the corns on his lands of Aberdour and houghing certain oxen belonging to him; also to pay to the Treasurer 1000 merks for his escheat within 40 days hereof. Fol. 340, a.

Edinburgh, 2nd December. Ker of Cavers and others.

Alexander Horsburgh, elder of that Ilk, for Thomas Ker of Caveris, and said Thomas for George and William Keris, his sons, and for Johnne Ker, his brother, indweller in Edinburgh, 3000 merks each, not to harm Lyell Struther, Englishman, now servitor to James, Earl of Perth, or Lyell Struther in the Cannogait, servitor to Doctor Mollettis.

William Cutler.

Roger Tod, mariner in Leyth, for William Cutler, tailor in Leyth, 400 merks, not to harm Johnne Meane, Bartilmo Meane, Patrik Meane, and William Meane, coopers in Leyth. Fol. 340, b.

Lyell Struther.

Alexander Inglis of Rottounraw for Lyell Struther, Englishman, 500 merks, to answer by 1st November 1609 before the Commissioners of the Middle Shires when charged, for wounding Thomas Ker of Cavers in the town of Anwick in July 1603. The band, registered by Mr Patrik Forrester, advocate, and written by Lourence Keir, servitor to the Clerk of Council, is subscribed at Edinburgh and Seatoun 1st December, before Archibald Stewart, servitor to my Lord Douglas, and Johne Quhyte. Fol. 341, a.

Captain Orrock.

Robert Orrok, fiar of that Ilk, for Captain David Orrok in Leith, 500 merks, not to harm Johnne, Bartill, Patrik, and William Meanes, coopers in Leith. Fol. 341, b.

Edinburgh, 6th December. James Purves.

Johnne Coutis, skinner, burgess of Edinburgh, for James Purves, flesher in Leith, 400 merks, not to harm the said Johnne Meane, or any of his colleagues.

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Robert Johnnstoun of Recleuch, tutor of Johnnstoun, for James Maxwell of Portrack, 1000 merks, not to reset Johnne, Lord Maxwell, or any of his accomplices put to the horn for certain crimes committed by them. Edinburgh, 8th December. James Maxwell.

Fol. 342, a.

Johnne Borthuik of Collelaw for Bernard Ramsay in Caringtoun and Johnne Borthuik of Raislaw, 500 merks each, to answer before the judge ordinary when charged for their forcing of Jonnet Corser and Jonnet Wadie. Ramsay and Borthwick.

Patrik Baillie, son of the Laird of Lamentoun, for Philp Nisbet of that Ilk, and George Lyll, younger of Stanepeth, to pay to William Wauchop of Stottincleuch, James Wauchop in Kidcleuch, Johnne Wauchop in Nudrie, Archibald Wauchop in Unthank, and Heslop, relict of Gilbert Wauchop, the sum of £1000, as half of the penalty of £2000 incurred by them as cautioners for the entry of William Nisbett in Newtounleyis before the justice, in case it be found that they ought to do so. Philip Nisbet.

Fol. 342, b.

William Scot, called of the Know, and Robert Scot, his brother, bailie of Hawick, as principals, and James Scot, bailie of Selkirk, as surety for them, and the said three persons for George and David Scottis, brothers of the said William, not to harm Mr Thomas Abernathie, minister at Hawik, under the pains following: viz. William Scot, 1000 merks, and each of the others 500 merks. Robert Scott and others.

Captain David Orrok in Leyth for Robert Orrok, his son, 500 merks, not to harm Patrik Mein, cooper in Leyth. Robert Orrock.

Fol. 343, a.

Patrik Meine, cooper, burgess of Edinburgh, for Patrik Meine, cooper in Leyth, 500 merks, to answer before the provost and bailies of Edinburgh when charged for hurting and wounding at night in Leith Robert Orrok, William Cuthill, tailor in Leyth, , his spouse, and James Downie, boatman there. Patrick Mein.

Harie Guidlat of Uphall for George Forrester, fiar of Corstorphin, £1000, not to harm Mr Alexander McGill, advocate, provost of Corstorphin. Edinburgh, 12th Dec. Forrester of Corstorphine.

Fol. 343, b.

Patrik Oustiane in Fordoun for Johnne Bowis in Auchinbla, £100, not to harm William Miller in Fettircairne, or Margaret Drum, his spouse. Edinburgh, 14th Dec. John Bowes.

James McClellane of Mylnetoun for David Maxwell in Treifgrange, 300 merks, not to reset Johnne, Lord Maxwell, or any of his rebellious accomplices. David Maxwell.

Johnne Stratoun of Tillitowlis for William Miller in Fettercairne, £100, not to harm Johnne Bous in Auchinbla, and not to bear hagbuts or pistolets hereafter. William Miller.

Fol. 344, a.

Harie Robiesone, burgess of Edinburgh, and deacon of the weavers there, for Johnne Hill, deacon of the waulkers of Edinburgh, Bessie Heriot at the Silver Mill, and Jonnet Gilleis at Bell's Mill, and for the brethren of the bonnetmakers of Edinburgh, 100 merks each, to receive from Johnne and Patrik Heriotis and the other bonnetmakers of the Cannongaite all such bonnet stuffs as they shall bring to the said waulkers, and waulk the same for them, in case it be found that they ought to do so. John Hill and others.

Patrik Abirnethie of Nethrindaill for Mr Thomas Abirnethy, minister Edinburgh, 14th Dec. Mr Thomas. Abernethy.

at Hawik, 400 merks, not to harm William Scot, called of the Know, or Robert, George, and David Scotis, his brothers. Acta Cant. 1607–1609.

Edinburgh, 15th Dec. MacLellan of Bomby. Sir Johnne Vaus of Longcastle (Barnbarrach) for Sir Robert M°Clellane of Bombie, £2000, not to harm Gilbert Broun in Larg. Fol. 344, b.

Edinburgh, 19th Dec. Mr Alexander Hay. Hutcheoun Calder, burgess of Narne, for Mr Alexander Hay of Forresterseat (my Lord of Forresterseate), one of the senators of the College of Justice, £1000, not to harm Johnne Innes of Lewcharis or Alexander Innes of Cottis.

John Mill. Ewphrame Quhytelaw in Hayistoun for Johnne Mylne in Balmulie-mill, 100 merks, not to reset Mr James Fithie, son of the Laird of Bysak, denounced to the horn. The band, registered by Mr Laurence M°Gill, advocate, is subscribed at Bonytoun 8th December before James Corbet, burgess of Dundie, and Malcolme Campbell and Andro Dysart, servitors to the Lady Bonitoun. Fol. 345, a.

Edinburgh, 21st Dec. Charles Pringle. Alexander Lawder of Haltoun for Charlis Pringle, burgess of Peiblis, 1000 merks, not to harm Gavin Thomsone, burgess of Peiblis. Fol. 345, b.

Pringle and Dalmahoy. William Pringle of Cortilferrie for Andro Pringle in Wyndelawis, 500 merks, and for Alexander Dalmahoy in Peiblis, 300 merks, not to harm Gauin Thomsone, burgess of Peiblis,—said Andro Pringle and Charlis Pringle in Peiblis becoming sureties in relief.

Lyell Struther. George Hepburne, servitor to the Earl of Loutheane, for Lyell Struthir (Lyonell Strother), servitor to Doctor Mollar, 500 merks, not to harm Thomas Ker of Cavers, or Johnne Ker, his brother. Fol. 346, a.

James Hunter. Thomas Hunter, merchant, burgess of Edinburgh, for James Hunter of Hagburne, to pay to the Treasurer within 40 days hereof 40 merks for his escheat goods fallen for not paying his part of the taxation of 100,000 merks granted to his Majesty in February 1601, extending to £10, imposed on his lands and teinds of Hagburne.

Thomas Small. Robert Turnbull, younger of Borgmilne, for Thomas Small in Ardlair, 1000 merks, not to harm Robert Pitillok at the mill of Kynnochtrie, or William Pittillok, his brother. Fol. 346, b.

Thomas Small and others. Thomas Small in Ardlair for Thomas Small in Nether Corstoun, Andro Ogilvie in Kettines, and George Small, son of Andro Small of the kirkland of Kettines, 1000 merks each, not to harm the said Robert Pittillok or William Pittillok.

Edinburgh, 24th Dec. Robert and James Pittilloch. Johnne Campbell of Souterhousses for Robert Pittillok at Kynnochtrie-mill, and James Pittillok, portioner of Newcalsay, 1000 merks each, not to harm Andro Small at the kirkland of Kettines, Thomas, William, George, and Andro Smallis, his sons, Andro Gray of Balyeoun, Andro Ogilvie in Kettines, or Thomas Small in Nether Corstoun; also not to bear hagbuts or pistolets hereafter, each of them under the pain of 500 merks. Fol. 347, a.

Edinburgh, 26th Dec. Harry Wood. Alexander Cockburne of Wodheid for Harie Wod of Bonytoun, £1000, not to harm Alexander Wod, servitor to Sir David Wod, son of late Patrik Wod of Bonytoun. Fol. 347, b.

Kellock and Anderson. Harie Wod of Bonytoun for Patrik Kello and Andro Andersone, his servitors, 400 merks each, not to harm said Alexander Wod.

cta Caut. 1307–1609. ol. 348, a.

Johnne Haillis, bailie of Arbroith, and David Fethie of Hodgbune, for Henry Fethie of Ballindoch, 200 merks, not to reset or intercommune with Mr James Fethie, his son, while at the horn for the slaughter of Alexander Leslie, conform to the charge given at the instance of Geillis Mylne, relict of said deceased, and Johnne Leslie in Kirktoun, his brother. The band, registered by Mr Oliver Colt, elder, advocate, is subscribed at Arbroith, 3rd December, before George Peirsone, burgess of Arbroith, Mr David Persone and Patrik Lyell, notaries there, and Johnne Persone. Edinburgh, 2nd Jan. 1609. Henry Fethy.

ol. 348, b.

Archibald Campbell, "litster" in Edinburgh, for James Williamesone, servitor to George Thomsone in Couper Angus, 100 merks, to bear witness before Council on 26th instant in the action pursued by Sir Thomas Hammyltoun of Bynnie, King's advocate, and by William and Andro Smallis, sons of Andro Small of Kirkland of Kettines, against Robert Pittillok at the Mill of Kynnochtrie, William Pittillok, his brother, James Pittillok, portioner of Newcalsay, and certain others, for wounding the said William and Andro Smallis, and for bearing hagbuts and pistolets; also to pay to the Treasurer £10 for his escheat goods within 40 days hereof.. Edinburgh, 3rd Jan. 1609. James Williamson.

ol. 349, a.

Johnne Maxwell of Conhaith for Archibald Maxwell of Cowhill, £1000, and for Johnne Maxwell, his brother natural, £500, to answer before the Council on 19th instant touching their reset of Johne, Lord Maxwell, since he broke ward furth of Edinburgh Castle; also that the said Archibald shall re-enter in the ward where he is at present within five or six days after "his dispatche from the Counsell," under the pain of £1000. The band, registered by Adame Cunnynghame, advocate, and written by Johnne Young, Sheriff Clerk of Edinburgh, to subscribed at Edinburgh, 6th December 1608, before said advocate, John Makmyn (or M°Myn), his servitor, Johnne Young, and Johnne Ronnald, servitor to said Archibald. Alexander Maxwell and his brother.

ol. 349, b.

Robert Gray of Mylhill, as principal, and Robert Gray of Drummelie, as surety, 1000 merks, not to harm Mr Alexander M°Gill, advocate, provost of Corstorphin. Edinburgh, 5th January. Robert Gray.

Charlis Campbell, younger of Skeldoun, as principal, and Johnne Chalmer of Inchegothrik, as surety, 3000 merks, not to harm Johnne M°Dowgall of Logane; also not to reset Robert Campbell in Potterstoun. Edinburgh, 6th Jan. 1609. Charles Campbell.

ol. 350, a.

Patrik M°Clellane of Jordanland for Sir Thomas M°Clellane of Gelstoun, 1000 merks, not to harm Robert Edzer, burgess of Kirkcudbright. The band, registered by Mr Robert Mar, advocate, is subscribed at Cumstoun, 2nd January, before Archibald Ahannay, Anthone Broun, Johnne Horner, servants to the principal. Sir Thomas MacLellan of Gelston.

ol. 350, b.

Mr Johnne Home of Swanscheill for Robert Home of Pharnysyd, £1000, not to harm Bartilmo Heriot in Reidhall. Edinburgh, 9th January. Robert Home.

Johnne Kennedy of Blairquhan for Patrik M°Luir in Blairquhan, William Cubbesoun there, Johnne Adame there, Allester Falconer there, and Johne M°Clingen there, 500 merks each, not to harm Andro M°Knacht in . The band, registered by Mr Laurence M°Gill, Patrick MacLure and others.

advocate, and written by Mr Matthew Reid, minister at Kirkyner, is subscribed at Blairquhan, 4th January, before the said minister, Hew Kennedy of Little Airreis, Johnne "the baird," (Baird), Johnne Pringle, "my servitouris," and Johnne Andersone, notary. Acta Cant. 1607–1609.

John Kennedy of Blairquhan. Hew Kennedy of Little Airreis for Johnne Kennedy of Blairquhan £2000, not to harm Andro M°Knacht in . The band is registered, etc., as above. Fol. 351, a.

Robert Elphinstone and others. James Elphingstoun of Glak for Mr Robert Elphingstoun of Kynbroyne, £1000, and for Walter Innes at the Mill of Edindrowrie and William Abercrombie in Rothmais, 500 merks each, not to harm Johnne Leyth of Harthill, elder and younger, Patrik, son of Johnne, elder, or George Leyth in Ardone; also not to reset George Leslie of Old Craig, Alexander Arbuthnot, son of late James Arbuthnot of Lentushe, Johnne Duncau, servitor to the said George, or Donald Gow, also his servitor, conform to the charge given at the instance of Helene Leyth, relict of Mr George Leyth, and Johnne and George Leythis, their sons, under the pains following: viz. the said Mr Robert 500 merks, and Walter and William 300 merks each. The band, registered by Mr Alexander King, advocate, and written by Walter Thomsone, notary public in Lentushe, is subscribed at Lentushe, 2nd January, before Thomas Bruce, messenger in Rochquherrell William Irwing in Lumfurde, Johnne Leslie in Durnoch, and said writer hereof. Fol. 351, b.

Edinburgh, 10th January. Fethy and Smart. George Persone, burgess of Arbroith, for Walter Fethie in Fallow and Johnne Smart in Kirktoun of Innerkelour, 100 merks each, not to reset Mr James Fethie, second son of Harie Fethie of Boysack, while at the horn for the slaughter of Alexander Leslie. Fol. 352, b.

Edinburgh, 13th January. Lauder of Halton. James Wynharame, portioner of Sauchtounhall, for Alexander Lawder of Haltoun, £1000, not to harm Mr Alexander M°Gill, provost of Corstorphin.

Edinburgh, 19th Jan. John Barclay. Johnne Wood of Geillistoun for Johne Barclay in Geillistoun, 500 merks, not to harm Sir Aula M°Aula of Ardincaple, heritor of the lands of Ballemanoich. The band, registered by Mr Joseph Miller, advocate, and written by William Cunynghame, notary, is subscribed at Dumbartane, 14th January, before said writer hereof, Robert Cunynghame, his brother, Johnne Corrinth, burgess of Dumbertane, Patrik Ewing, maltman there, and David Cunynghame there. Fol. 353, a.

The same. Robert Semple of Noblestoun for Johnne Barclay in Geillestoun, £20, to make his escheat goods, if he has any outside the regality of Lennox, furthcoming to the Treasurer, if it be found that the letters of horning executed against him by Sir Aula M°Aula of Ardincaple are lawfully used. The band, registered and written as above, is subscribed at Dunbertane, 15th January, before Johnne Wood of Geillistoun, Patrik M°Aula, messenger, and Johne Auchinros, burgess of Dunbertane. Fol. 353, b.

Edinburgh, 20th January. Archibald and John Maxwell. Sir Robert M°Clellane of Bombie, for Archibald Maxwell of Cowhill, 2000 merks, and said Archibald for Johnne Maxwell, his brother, 1000 Fol. 354, a.

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merks, not to reset Johnne, Lord Maxwell, or Robert Maxwell of Dynwydie, during their rebellion.

William Maxwell of Kirkhouse for Robert Maxwell, brother of Johnne, Lord Maxwell, 2000 merks, to answer before the Council on 2nd February next touching his intention to have murdered James Johnstoun of Westraw in his own lodging in Edinburgh; also to pay to the Treasurer £40 for his escheat within 40 days hereof. Edinburgh, 21st January. Robert Maxwell.

ol. 354, b.

Johnne Leslie, fiar of Balquhan, for Johnne Leslie of Wairdes, 2000 merks, not to reset George Leslie of Oldcraig, Alexander Arbuthnot, son of James Arbuthnot of Lentushe, and Donald Gow and Johnne Duncan, servitors to said George, while at the horn for the slaughter of Mr George Leyth, third son of Johnne Leyth of Harthill; also not to harm Johnne Leyth of Harthill, Johnne Leyth, his son and apparent heir, Patrik Leyth, also his son, or George Leyth in Ardoine. The band, registered by Mr Robert Mar, advocate, and written by George Barclay, notary public in Innerurie, is subscribed at Fetterneir and Aberdene, 7th and January 1609, before Patrik Leslie of Kyncragie, Johnne Leslie, his son, George Baird, apparent of Auchmeden, William Leslie, servitor to the surety, Mr Duncan Forbes of Balnagask, Johnne Gordone of Ardlogie, and Mr Thomas Chalmer, notary public. Edinburgh, 23rd January. Leslie of Wardes.

ol. 355, b.

Andrew Leslie in Brigend for William Leslie in Durnoch, 500 merks, not to harm James Leslie of Mylnstoun. The band, registered by Mr Robert Mar, advocate, and written by Walter Thomsone, notary public, is subscribed at Lentushe, 16th January, before Johnne Leslie of Wardes, Normond Arbuthnot, his servitor, George Duncan and Thomas Crookshanks, servitors to Thomsone,—the last subscribing for William Leslie. William Leslie.

ol. 356, a.

George Craufurd, younger of Leifnoreis, for George Craufurd, younger of Auchincors, James Dalrumple, brother of Johne Dalrumple of Stair, and Hew Craufurd, servitor to George Craufurd of Leifnoreis, 200 merks each, to appear as witnesses before the Council on 2nd February next in the cause pursued by Sir Thomas Hammiltoun of Bynnie, and William Kennedy, "handsenzie" to Captain William Stewart, against Johnne and Gilbert Bannatynes, sons of late Johne Bannatyne in Mayboll, for bearing hagbuts and pistolets and presenting bended pistolets at the said William Kennedy for his slaughter. Edinburgh, 24th January. George Crawford and others.

Johnne Strang, fiar of Balkaskie, for William Sandilandis of Sanct Monnance, £3000, not to harm Thomas Abercrombie of that Ilk. Edinburgh, 25th January. Sandilands of St Monance.

ol. 356, b.

Sir James Cunnynghame of Glengarnok, for Patrik Maxwell of Newark, £10,000, not to reset Johnne, Lord Maxwell, or any of his rebellious accomplices. Edinburgh, 27th January. Patrick Maxwell.

Johnne Lokhart, fiar of Boghall, for Michaell Dalrumple, burgess of Air, and Hew Neisbit, saddler there, 300 merks each, to answer before the Council on 9th March next to a complaint against them by Sir Thomas Hammiltoun of Bynnie, King's advocate, and David Fergusoun, provost, Johne Jamesoun, and George Cochran, bailies, of Air, Johne Oisburn, Michael Dalrymple and others.

David Craufurd, Joseph Miller, advocate, and James Johnestoun, curators to William, Jonet, and Elizabeth Rysydis, bairns of late William Rysyde, burgess of Air, for bearing hagbuts and pistolets, and forcibly taking away the goods in the merchant booth belonging to the late father of the said minors. Acta Caut. 1607–1609.

John Caldow and others.

Johnne Lokhart, fiar of Boghall, for Johnne Caldow, burgess of Air, Johnne Cunynghame, merchant there, Niniane Flemyng there, Robert Mirrie there, and Mertene Baillie there, 300 merks each, to appear before the Council on 9th March next as witnesses in the action pursued against Allane and Thomas Cathcairtis in , Michaell Dalrumple, burgess of Air, Hew Neisbit, saddler there, and certain others, for the cause foresaid. Fol. 357, a.

Edinburgh, 2nd February. James Douglas.

James Dalzell, merchant, burgess of Edinburgh, for James Dowglas, portioner of Over Gogar, chamberlain of Dalkeith, 500 merks, to keep the King's peace, and not to molest or trouble Andro, Lord Stewart of Uchiltrie, or his friends or partakers who are not at the horn for the slaughter of James, Lord Torthorwald. The band, registered by the principal, and written by Laurence Keir, servitor to the clerk of Council, is subscribed this day at Edinburgh, before Thomas Home, constable of Edinburgh Castle, Mr Alexander Burnet in Edinburgh, Duncane Cunynghame, son of Archibald Cunynghame, master porter of the said Castle, and Laurence Keir,—Thomas Edzer and James Justice, notaries, subscribing for the principal.

Sir James Dundas.

Sir Walter Dundas of that Ilk, for Sir James Dundas of Ardnestoun (Arnistoun), 5000 merks, not to harm Andro, Lord Stewart of Uchiltrie, or any of his dependers who are not at the horn for the slaughter of Lord Torthorwald. The band, registered by the principal and surety, and written by Laurence Keir, is subscribed at Edinburgh, 2nd February, before Robert Dundas, brother of said surety, Thomas Home, constable of Edinburgh Castle, Mr Alexander Burnet in Edinburgh, Duncane Cunynghame, son of Archibald Cunynghame, master porter of said castle. Fol. 358, a.

Edinburgh, 4th February. Patrick Douglas.

Robert Prestoun, merchant, burgess of Edinburgh, for Patrik Douglas, baxter, burgess there, 300 merks, not to harm Lord Uchiltrie, or any of his said men. Fol. 358, b.

MacLellan of Bombie.

William Stewart of Dunduff, for Sir Robert M°Clellane of Bombie, 5000 merks, not to harm George Glendoning, brother of William Glendoning of Larg. Fol. 359, a.

Abercromby of that Ilk.

James Skrymgeour of Myres, Alexander Stewart of Bonskeid, and Robert Gray of Drummelie, for Thomas Abircrombie of that Ilk, £3000, not to harm William Sandilandis of St Monance.

Edinburgh, 8th February. Campbell of Glenlyon.

Sir Johnne Campbell of Calder for Duncane Campbell of Glenlyoun, 1000 merks, to appear before the Council and enter Donald Leitche *alias* Campbell, Alester Menzies, son of Johnne M°Varroun, Johnne Stewart, son of Johnne M°Andro, Duncane Bishop *alias* Campbell, Johnne Robertsoun in Kilburnoch, and Johnne M°Laggan, alleged to be his men, Fol. 359, b.

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conform to the letters executed against him at the instance of William M^cNicoll in Little Farcher; also to pay to the Treasurer £100 for his escheat goods within 40 days hereof.

James Naismeth of Inver for Laurence Banerman of Cairnye, and George Banerman, his son, £500 each, not to harm Johne Reid, son of Adam Reid in Pitnacrie, Adam Reid, his brother, or William Fyf, notary in Dunkeld. Laurence Bannerman and son.

Fol. 360, a.

Mr James Stewart of Ladywall for Johnne Reid, son of Adam Reid in Pitnacrie, Adam Reid, his brother, and William Fyiff, notary, £500 each, not to harm Laurence Banerman of Cairnyis, George Banerman, his son, Andro Banerman in Dunkeld, James Banerman, his son, William Banerman in Dunkeld, Frances Scot there, or Johne Forbes *alias* M^cInnair, younger in . . John Reid and others.

Fol. 360, b.

Johnne Tennent of Cairnis for Stevin Lokhart, tailor, servitor to my Lord Torphechin, 300 merks, to answer before the Council on 13th instant to the complaint against him by the deacon of the tailors of Edinburgh. Edinburgh, 9th February. Stephen Lockhart.

William Schaw, younger of Glenmure, for George Angus of Brighouse, to pay to Johnne Dumbar, treasurer of the burgh of Air, 1000 merks, as penalty incurred by him for not appearing before the Town Council of Air on 15th November last, conform to an act made in the court books of the said burgh, if it be found that he ought to do so. George Angus.

Robert Johnnstoun, tutor of Johnnstoun, for William Douglas, apparent of Cashogill, 2000 merks, not to harm Andro, Lord Stewart of Uchiltrie, or any of his men not denounced for the slaughter of James, Lord Torthorwald. William Douglas.

Fol. 361, a.

Sir Williame Greirson of Lag for Sir James Douglas of Drumlangrig, 10,000 merks, and William Douglas, his son and apparent heir, 5000 merks, to keep the King's peace, and not harm Andro, Lord Stewart of Uchiltrie or any of his men not denounced for the slaughter of James, Lord Torthorwald. The band, registered by Johnne Belsheis, advocate, and written by Laurence Keir, is subscribed this day at Edinburgh, before Roger Padyean of Newtoun, William Dowglas, Andro Murray, Andro Crechtoun, servitors to said Sir James, and James Dowie, inserter of the testing clause. Edinburgh, 10th February. Douglas of Drumlanrig and his son.

Fol. 361, b.

Sir David Murray of Cloneyaird for Johnne Carlyle, called of Boytach, Robert Johnnstoun, called goodman of Lochmaben, and Johnne Lawsoun, called of Bawcan, £200 each, to answer before the Council on 11th May next for wounding Johnne Hill, servitor to Sir William Cranstoun, Captain of his Majesty's garrison. Edinburgh, 13th February. John Carlyle and others.

George Weir of Blakwod, for William Cunynghame, tutor of Bonytoun, 2000 merks, not to harm Andro, Lord Stewart of Uchiltrie, or any of his men not denounced for the slaughter of Lord Torthorwald. Edinburgh, 14th February. William Cunningham.

Fol. 362, a.

Johnne Ramsay of Pryoure Lethame, as principal, and Mitchell Ramsay of the Foirth, as surety, 2000 merks, not to harm James Melvill of Fedinch. Edinburgh, 17th February. John Ramsay.

James Melville.

George Boiswele of the westmill of Kirkaldy for James Melvill of Fedinche, 1000 merks, to answer before the Council on 9th March next for repairing in arms to the kirk of St Androis on Sabbath days and there making of "bragis" to Johnne Ramsay of Pryour Lethame. Acta Caut. 1607–1609.

Edinburgh, 22nd Feb. Patrick Annan and Alexander Keith.

James Banerman of Crakanhill for Patrik Annand in Fechill, 1000 merks, and for Alexander Reyth, his tenant, £500, not to harm James Forbes of Lethintie, conform to the King's letters dated 17th January 1608. The band, registered by Mr Robert Mar, advocate, is subscribed, 20th February, before Alexander Mitchell and Thomas Reid, servitors to the said Patrik, William Smolet, and Alexander Willicok.

Douglas of Mains.

Malcolme Dowglas of Kayistoun, for Alexander Dowglas of Maynis, 2000 merks, not to harm Andro, Lord Stewart of Uchiltrie, or any of his men not denounced for the slaughter of Lord Torthorwald. The band, written by Laurence Keir, is subscribed at Edinburgh, 22nd February, before Stephane Dowglas, servitor to the Laird of Maynes, and said writer hereof. Fol. 362, b.

Edinburgh, 23rd Feb. MacDowall. of Logan.

George Murray of Brochtoun for Johne M'Douell of Logane, 3000 merks, not to harm Chairlis Campbell, younger of Skeldoun. Fol. 363, a.

Edinburgh, 24th Feb. John Douglas.

Johnne Cunnynghame of Bonytoun for Johnne Dowglas in Andershaw, 1000 merks, not to harm Andro, Lord Stewart of Uchiltrie, or any of his friends not denounced for the slaughter of James, Lord Torthorwald.

Earl of Morton.

David, Earl of Crawfurd, for William, Earl of Mortoun, £10,000, not to harm Lord Uchiltrie, or any of his said friends. The band, registered by Mr William Dowglas, advocate, and written by Laurence Keir, is subscribed at Newhous and Edinburgh, 19th and 23rd February, before Andro Struggioun in Prestoun, Mr William Hendersone (Henrysone), servitor to the Earl of Mortoun, Captain David Orrok in Leyth, Sir Hary Lindesay of Carrestoun, and James Cuik and Johnne Cuik in Aberdour. Fol. 363, b.

George Brown and others.

Michaell Hog, baxter, burgess of Edinburgh, for George Broun at Braidsmill, Patrik Knox, tailor in Braid, and Johne Craig, stabler in Edinburgh, £100 each, to appear as witnesses before the Council on 23rd March next in the action by Edward Haliday, Johne Wilkie, Andro Scot, and Johne Forsyth, tenants to dame Elizabeth Carlyle, Lady Torthorwald, against Robert Young, elder, and Robert Young, younger, at the West Port of Edinburgh, for assaulting the pursuers and slaying with "grite stingis" a black horse belonging to Haliday. Fol. 364, a.

Edinburgh, 26th Feb. Douglas of Pumpherston.

Sir Franceis Wauchope of Nudrie for Joseph Dowglas of Pompherstoun, £1000, not to harm Andro, Lord Stewart of Uchiltrie, or any of his friends not denounced for the slaughter of Lord Torthorwald. The band, subscribed at Edinburgh 25th February, is attested by Alexander Wylie and Laurence Keir, servitors to the clerk of Council.

Edinburgh, 27th Feb. William Morgan.

William Forbes of Corsindae for William Morgin in Endornoch, 100 merks, to answer before the Council on 25th May next for wounding Andro Skene of Auchorrie. Fol. 364, b.

28th Feb. John Gordon and others.

Patrik Abernathie of Natherdoole for Johnne Gordoun, elder of Avachie, Johnne Gordoun, younger of Avachie, 2000 merks each, and for Patrik

Acta Caut. 1607–1609. Gordoun, son of Johnne, elder, 1000 merks, not to harm George Currour of Inchdrour.

Fol. 365, a. Williame, Earl of Mortoun, Williame Dowglas, apparent of Cassogill, Robert Johnnstoun of Recleuch, tutor of Johnnstoun, Alexander Dowglas of Maynis, Johnne Cunnynghame of Bonytoun, and Mr Richard Dowglas of Brokhollis, for James, Lord Torthorwald, not to harm Andro, Lord Stewart of Uchiltrie, or any of his friends not denounced for the slaughter of James, Lord Torthorwald. The band, registered by Mr Alexander Cuming, advocate, is subscribed at Edinburgh Castle 22nd, and Edinburgh 23rd, and Newhous 25th, February, before William Cunnynghame of Dolphingtoun, Thomas Home, constable of Edinburgh Castle, Johnne Wairdlaw and Allane Lillie, his servants, Johnne Johnnstoun and William Johnnstoun, servitors to my Lord Torthorwald, James Dowglas, servitor to said Mr Richard, Robert Forrester and William Weir, servitors to the Earl of Mortoun, and said advocate, writer hereof. Edinburgh, 1st March. Lord Torthorwald.

Fol. 365, b. William Forbes of Corsinda for George Currour of Inshedrour, 2000 merks, not to harm Johnne Gordoun, elder of Avachie, Johnne Gordoun, younger, or Patrik Gordoun, son of the former. Edinburgh, 2nd March. George Curror.

Fol. 366, a. Hector Monro of Assint, for Johne Roy in Mekle Rany, 400 merks, not to harm Andro Dynnune of Little Mylnetoun. John Roy.

Captain George Bothwell for Jonet Wauchop in the Cannongaite, 100 merks, to answer before the Council on 9th instant for reiving a cloak from captain William Rig,; also to pay to the Treasurer £10 for his escheat goods. Edinburgh, 3rd March. Janet Wauchop.

Fol. 366, b. Sir William Monteith of Langtoun (Kers) for William, Lord Dowglas, 5000 merks, not to harm Andro, Lord Stewart of Uchiltrie, or any of his friends not denounced for the slaughter of Lord Torthorwald. The band, registered by Mr David Chalmer, advocate, and written by Laurence Keir, is subscribed at the Craig, 26th February, before Lues Monteith, son of the Laird of Kers, Archibald Stewart, Johnne Monteith, son of Laird of Kers, and Alexander Bruce, "my servitouris." Lord Douglas.

Fol. 367, a. David, Earl of Crawfurd, for Andro, Lord Stewart of Uchiltrie, 5000 merks, not to harm Sir James Dundas of Ardnestoun. The band, registered by Mr Alexander Peiblis, advocate, is subscribed at Edinburgh, 2nd March, before James Beatoun of Westhall, David Beatoun of Kersgownie, and James Stewart. Lord Ochiltree.

Fol. 367, b. Mr Johnne Rutherfurd, bailie of Jedburgh, for William Rutherfurd, son of James Rutherford, bailie there, 300 merks, to answer before the Council on 6th April next for wounding Johnne Penman, burgess there; also, to pay to the Treasurer £20 for his escheat goods. Edinburgh, 4th March William Rutherford.

Fol. 368, a. Johnne Kynnaird, fiar of that Ilk, for Johnne Gordoun, younger of Avachie, and both for Johnne Gordoun, elder of Avachie, 1000 merks each, to answer before the Council on 18th May next for assaulting and wounding Thomas Norie, Thomas Marshall, Robert Mair, Andro Barclay, and Andro Mair, servitors to late Walter Currour of Inchedrour; also to pay to the Treasurer within 40 days hereof £100 for their escheats. Edinburgh, 9th March. John Gordon and his son.

Edinburgh, 11th March. Michael Dalrymple.

Johnne Oisburne (Osburne), burgess of Air, for Michaell Dalrymple, burgess there, 300 merks, to answer before the Council on 18th May next to a complaint by Sir Thomas Hammiltoun for the King's interest, and by David Ferguson, provost, Johnne Jamesoun and George Cochrane, bailies, of Air, Johnne Oisburne, David Crawfurd, Joseph Miller, advocate, and James Johnstoun, curators to William, Jonet, and Elizabeth Rysydes, bairns of late William Rysyde, burgess there, touching his bearing hagbuts and pistolets, and reiving furth of the merchant booth of the said minors' father all the goods therein; also to pay to the Treasurer £10 for his escheat goods, within 40 days hereof. Acta Caut. 1607–1609. Fol. 368, b.

Edinburgh, 13th March. William Cathcart.

David Fullertoun of Knokinlaw, for William Cathcart of Bardarroch, 300 merks, in manner and to the effect above written.

Edinburgh, 15th March. Osburne and Dalrymple.

Johnne Oisburne, bailie of Air, for Henry Oisburne and Robert Dalrymple, merchants there, 300 merks each, to answer before the Council on 25th May next for resetting Thomas MacAlexander, put to the horn for the murder of Sir Thomas Kennedy of Culzeane; also each of them to pay to the Treasurer 20 merks for his escheat within 40 days hereof. Fol. 369, a.

Andrew Bannerman.

Sir James Kincaid of that Ilk for Andro Bannerman, citizen in Dunkeld, £500, not to harm Johnne Reid, son of Adam Reid in Pitnacrie, Adam Reid, his brother, or William Fyf, notary in Dunkeld. Fol. 369, b.

James and Robert Campbell.

David Dunbar of Daldork for James Campbell in Brigend and George Campbell of Dalloy for Robert Campbell, Carrick pursuivant, 100 merks each, not to reset David Campbell of Skeldoun or Robert Campbell in Potterstoun, denounced at the instance of Jeane Craufurd, Lady Kelwode, and M°Dowell, now her spouse.

Duncan Paterson.

Robert Patersoun, goldsmith, burgess of Stirling, for Duncane Patersoun, merchant, burgess there, 1000 merks, not to harm Johne, James, and William Donaldsones, sons of late Johne Donaldsoun, merchant there, Masie Auchmutie, their mother, or Robert Levingstoun of Wester Greneyairdis. Fol. 370, a.

Leslie of Wardes and others.

Johnne Leslie of Wairdes, for Johnne Leslie, apparent of Balquhan, 4000 merks; and said Johnne, apparent, for the Laird of Wairdes, 4000 merks, and for William Leslie in Tochir, Robert Leslie in Denheid, Andro Leslie in Brigend, William Leslie, servitor to the said Laird of Balquhan, 500 merks each, and for Patrik, Bartill, and Johne Lesleis, in Chappeltoun of Leslie, Johne Leslie of Duncanstoun (Dunnastoun), and Johne Leslie in Durnoch, under the pains in the King's letters: not to harm Johnne Leyth of Harthill, Johnne Leyth, his son and apparent heir, Patrik Leyth, also his son, or George Leyth in Ardownie. The band, registered by Mr Laurence M°Gill, advocate, and written by George Barclay, notary public in Innerurie, is subscribed at the Chapel of Gariauch, now called the New Kirk of Logy-Durno, 9th January 1609, before Johne Makiesoun, notary public in Innerurie, Walter Innes in Ardtouneis, Mr Robert Elphingstoun of Kynbrone, Patrik Leslie of Kincrage, George Leslie, his son, and George Baird of Auchneddan,—Barclay and Makiesoun subscribing for Johne Leslie in Durnoch.

Acta Caut. 1607–1609.

Johnne Leslie of Wairdes, for Johnne Leslie, fiar of Balquhan, 2000 merks, and said Johnne, fiar, for the Laird of Wairdes, 2000 merks, and for Patrik Leslie of Kincragie and Johnne Leslie of Duncanstoun, 500 merks each, and for Johnne Leslie at Kintochir, Johnne Leslie in Durnoch, Johnne Leslie in Tochir, Robert Leslie in Denheid, Andro Leslie in Brigend, William Leslie at Duncanstoun, Johnne Leslie in Chappeltoun, William, Patrik, and Bartil Lesleis there, 300 merks each, not to reset George Leslie of Oldcraig, Alexander Arbuthnot, son of James Arbuthnot of Lentush, Donald Gow and Johnne Duncan, servitors to said George Leslie, put to the horn for the slaughter of Mr George Leyth, third son of Johnne Leyth of Harthill. The band is registered, etc., as above, with the addition of Johnne Gordoun of Drymmeis, and Mr Alexander Patersone, minister at the Chapel of Gariauch. Leslie of Balquhan, Leslie of Wardes, and others.

Fol. 372, a.

Hew Campbell of Auchinruglane and Alexander Nesbit of Tilloch, for Alexander Neisbit of Bredlie, and James Nesbit, his son, £200 each, not to reset David Campbell of Skeldoun, or Robert Campbell in Potterstoun, rebels, conform to the charge at the instance of Jeane Crawfurd, Lady Crawfurd, and Johnne M°Dowell, now her spouse. The band, registered by Laurence Scot, advocate, and written by Mathew Campbell, doctor, is subscribed at the Newmylnes in Lowdoun, 13th March, before Chairlis Hall in Newmylnes, George Campbell, notary, William Campbell, George Smyth, and Thomas Nicoll. Alexander and James Nisbet.

Johnne Smyth, timberman in Leyth, for Andro Nicolsoun, timberman there, 200 merks, to appear before the Council on 31st instant, to answer to the complaint against him by William Cuthill, tailor in Leith, , his spouse, James Downy, boatman there, and Robert Orrok, son of Captain David Orrok in Leith, for coming to said Cuthill's house at night and assaulting him and Downy while at supper; also to pay to the Treasurer 20 merks for his escheat. Andrew Nicolson.

Fol. 372, b.

Johnne Dalrymple of Stair, Hew Campbell of Ruchinglen, James Neisbit of Braidlie, and James Johnnstoun of Dalley, for Hew, Lord of Lowdoun, and George, Master of Lowdoun, £500 each, for George Campbell of Cesnok, and George Lokhart, younger of Bar, 500 merks each, and for George Campbell, younger of Horscleuch, George Campbell of Killoche, David Dumbar of Daldork, George Campbell, notary in Newmylnes, William Johnestoun there, Chairlis Hall there, Thomas Adam there, Matthew Glenscheillis and Mr Andro Dalrumple, servitors to Lord Lowdoun, Adam Cunynghame, servitor to Laird of Cesnok, Johne Neilsoun in Bowgang, and Thomas Nicoll in Waltersyde, 100 merks each, not to reset David Campbell of Skeldoun or Robert Campbell in Potterstoun, rebels, conform to the letters raised by Jeane Crawfurd, Lady Kelwood, and Johnne M°Dowell of Logane, now her spouse. The band, registered by Lourence Scot, advocate, and written by George Campbell, notary, is subscribed at Newmylnes, 13th March, before James Campbell in Newmylnes, Chairlis Campbell, younger of Skeldoun, David Campbell, his brother, and Mr James Greg, minister at Lowdoun,—George Campbell Lord Loudoun and others.

and Mr Andrew Dalrumple, notaries, subscribing for Thomas, Adam, and William Johnnstoun. Acta Caut. 1607–1609.

Edinburgh, 16th March. Mr Robert MacGill.

Mr Samuell M^cGill, burgess of Glasgow, and Johnne M^cGill, merchant, burgess of Edinburgh, for Mr Robert M^cGill, son of said Mr Samuel, 1000 merks, that, on being freed furth of his ward in the Tolbooth of Edinburgh, he will enter within eight days thereafter in ward in Castle of Glasgow, and remain there till he satisfy, at the sight of Johnne, archbishop of Glasgow, the magistrates for his offence to them. Fol. 373, b.

Campbell of Skeldon.

Neill Montgomerie, younger of Langschaw, for David Campbell of Skeldoun, 300 merks, to appear before the Council and enter Robert Campbell in Potterstoun on , to the effect he may answer for the "insolence" committed by him on Jeane Craufurd, spouse of Johne M^cDowell of Logane.

Edinburgh, 18th March. Andrew Logan.

George Crawfuird, fiar of Auchincorse, for Andro Logane in Craignoch, 300 merks, to answer on 30th March for his invading with his accomplices Dame Jeane Flemyng, Lady Cassillis, Hew Kennedy, master of Cassillis, and certain others in their company, till they were constrained for safety of their lives to take refuge in the place of Auchinsoule, raising of fire on all sides of the said house, and murdering Johnne M^cGrane, one of the said Lady's company. His Majesty's advocate, Lady Cassillis, and Johnne, Earl of Cassillis, are ordained to be charged to appear at the said diet; and Andro, Lord Stewart of Uchiltrie, becomes surety in relief. Acta Caut. 1609–1611. Fol. 1, a.

Edinburgh, 20th March. Lord Ochiltree.

David, Earl of Crawfurd, for Andro, Lord Stewart of Uchiltrie, 5000 merks, that he and all his friends and followers who are not at the horn for the slaughter of James, Lord Torthorwall, shall keep the peace, and not molest William, Lord Dowglas, his kin and friends.

Charles and David Campbell.

David Dumbar of Daldork, for Charlis Campbell, younger of Skeldoun, 500 merks, and for David Campbell, his brother, 100 merks, not to intercommune with David Campbell of Skeldoun, and Robert Campbell in Potterstoun, while lying at the horn at the instance of Jean Crawfurd, Lady Kelwood, spouse of Johnne M^cDowell of Logane. Fol. 1, b.

John Smith.

Johnne Smyth in Holmes of Dalrumple, for Johnne Smyth in Darumgobbis, 100 merks, to the same effect. Mr Isaak Broun, advocate, registers the band, written by Andro Johnnstoun in Air, and subscribed there, 18th March, before Charles Campbell, younger of Skeldoun, Walter Hutcheoun in Barbestoun, Quentene Campbell in Leffinlenche,—William M^cKerrell, notary, subscribing for the surety.

John Mure and others.

Charles Campbell, fiar of Skeldoun, for Johne Mure of Knokmerloche, Johne Campbell in Barnefurde, Charlis Campbell in Miltoun, Johne Chalmaris of Inchegotrik, Johne Smyth in Kirtone, Quintene Campbell in Leffinlenth, Neill Campbell in Bra, James Smyth in Lawrenstoun, Johne Torrens in Maynis, William Campbell in Makcumstoun, William Campbell, his son, Archibald Hutchioun in Newbottle, Andro and Quintene Patounes in Yeamantoun, Johne Campbell in Paterstoun, David M^cQuhoittour in Polclewane, Andro Galloway there, Thomas Galloway Fol. 2, a.

Acta Caut. 1609–1611.

there, Andro Newyne there, Jonet Cathcart in Leffinleuth, George M^cCaill in Skeldown, and David M^cKaill there, 100 merks each, also to the same effect. The band, registered by Mr Isaak Broun, and written by Andro Johnnstoun, writer in Ayr, is subscribed by the parties at Air, 18th March, before William M^cKerrell of Hilhous, sheriff-clerk of Air, and the said writer hereof.

Fol. 2, b. Robert Scot, apparent of Tuschelaw, and Quintene Bowstine, merchant, burgess of Edinburgh, for Walter Scot of Tuschelaw, and James Scot, his son, and the said James and Quintene for the said Robert, to buy from Michaell, Lord Balfour of Burlie, or James Lowrie, his depute, the quantity of armour underwritten: viz. the said Walter seven stand of horsemen's arms, the said Robert a stand of horsemen's arms, and the said James two stands of footmen's arms, under the penalty of £100 for each stand of horsemen's arms, and £50 for each stand of footmen's arms. Scott of Tushilaw and sons.

William Lugtoun in Dunfermeling, and William Cunnynghame in Crocefurde, for David Cunnynghame in Prymrois, Robert Cunnynghame, his son, and William Sanderis, servitor to Andro Mud of Windemylhillis, 500 merks each, not to harm Alexander Chalmer in Logy. Edinburgh, 21st March. David Cunningham and others.

Fol. 3, a. Sir Robert Halket of Pitfirrane, for Robert Cunnyngham in Urquhat, William Cunnynghame in Crocefurde, William Lugtoun in Dunfermeling, David Austiane at the mill of Milhillis, James Austiane, his son, 500 merks each, not to harm Alexander Chalmer in Logy, conform to the charge given to them on 15th instant. The band, registered by Mr Thomas Mawer, advocate, and written by William Broun, notary, is subscribed by the parties at Dunfermling, Pitfirran, and Urquhat, 20th March, before Johne Murray, son of the Laird of Blakbarony, James Home, the said Sir Robert's servant, Michaell Meldrum and David Miller, weavers in Pittincreif, Johne Burn at the Brig and Johne Davidsone, burgesses in Dunfermline, Henry Shortus in Rescoby,—William Broun, notary, subscribing for the principals. Robert Cunningham and others.

Fol. 3, b. William Welche, called of Fethame, and now dwelling at the Societie Port, for Mr Walter Scot of Quhitslaid, to buy from Lord Balfour of Burlie, or James Lawrie, his depute, four stand of horsemen's arms, and two stand of footmen's arms, under pain of £100 for each stand of the former, and £50 for each of the latter. Edinburgh, 22nd March. Walter Scott.

Mr Johnne Lindsay of Kinloch, as principal, and James Lindsay of Dowhill, as surety for him, 2000 merks, not to harm James Strauchane, notary, burgess of Dundie. Edinburgh, 24th March. Mr John Lindsay.

Fol. 4, a. Mr William Forbes of Many, for Duncane Forbes, son of Johnne Forbes of Camphell, £1000, not to harm Alexander Irwing of Drum, Mr Robert Irwing of Montcoffer, James, William, and Johnne Irwingis, his brothers, or Johnne Irwing, elder, of Pitmurthie. Edinburgh, 27th March. Duncan Forbes.

David Reid of Aikinheid, for Captain Hering, 500 merks, to answer before the Council on 30th instant to the complaint of Mr Robert Oliphant. Edinburgh, 28th March. Captain Hering.

Sir George Boswell.

David Kininmouth of that Ilk for Sir George Boswall of Balgony, 1000 merks, not to harm William Chalmer, fiar of Drumlochie, or Mr Johne Chalmer, minister at Auchtirduran. Acta Caut. 1609–1611.

Edinburgh, 30th March. Captain Hering.

Sir David Hering of Lethintie, for Captain Patrik Hering, 500 merks, to account by 16th May next to Mr Robert Oliphant for such sums of money, gold, silver, jewels, and other goods as are contained in the inventory made by the mayor-depute of Canterberrie, or else answer before the Council on the said day for his intromissions with the said goods. Fol. 4, b.

James Haig.

William Ker of Thrid, for James Haig of Bemersyd, £1000, to answer before the Council when charged for his alleged shooting of hagbuts and pistolets at Johnne Halieburtoun of Martoun, and Thomas Halieburtoun, his cousin.

Edinburgh, 5th April. John Leslie.

Johnne Leslie, fiar of Balquhan, for Johne Leslie of Balquhan, his father, 2000 merks, not to reset George Leslie of Auldcraig, Alexander Arbuthnot, son of late James Arbuthnot of Lentuche, and Johne Duncane, servitor to the said George Leslie, while they remain at the horn to which they had been put by Helene Keith, relict, Robert, Johne, and George Leithis, sons, and Johne Leith of Harthill, father, of the late Mr George Leith.

Hector Abercromby.

Johnne Leslie, fiar of Balquhan, for Hectour Abircrumby of Wasthall, £500, not to harm Johnne Leith of Harthill, Johne Leith, his son and apparent heir, Patrik Leith, also his son, Johne Leith, portioner of Newtoun, George Leith of Barnis, Johne Leith of Quhithauch, Johne Leith of Edingarak, Leith of Lykliehood, Alexander Leith in Bonnytoun, Adam Leith in Auchlevin, or George Leith in Ardoyne. Fol. 5, a.

Gilbert Gairden.

David Gairdin of Balmolistoun, for Gilbert Gairdyn, burgess of Aberbrothok, 500 merks, not to harm Cristiane Gardyne, relict of Thomas Ramsay, burgess there, and David Ramsay, burgess there, conform to the charge given to him of date at Edinburgh 27th March last. George Abernethy, advocate, registers the band, subscribed at Balmolestoun, 3rd April, before Mr Robert and Thomas Gairdynis, and William Petre in Waster Border.

Edinburgh, 7th April. Alexander Gordon and others.

Johnne Gordoun of Tulligreig, for Alexander Gordoun, his son natural, Andro Baverly in Logy, Thomas Baverly there, and William Coutis in Straloch, 1000 merks each, to answer before the Council on 18th May next to a complaint against them by his Majesty's advocate, George Currour of Inchedrour, Jeane Hay, his spouse, and Cristeane Currour, their daughter, touching their wearing of hagbuts and pistolets, coming at night to the said George's house in Aberdene, searching therein for the said Cristeane "of purpois to haif revishit hir," and assaulting the said Jeane Hay; also to pay to the Treasurer £10 each for their escheat goods in case they have any outwith the regality of Lendoris. Fol. 5, b.

Edinburgh, 8th April. Robert Johnstone.

George, Earl of Enzie, and Johnne Gordoun of Boigis, sheriff-depute of Aberdyne, for Robert Johnnstoun of Kaismylne, £1000, to answer before the Council when required on 15 days' warning.

Acta Caut. 1609–1611.

Thomas Dischingtoun in the Bowhous of Ardros, for Laurence and David Dishingtonis, brothers of Thomas Dishingtoun of Ardros, £500 each, not to harm Andro Clerk, sometime in Ardros. Edinburgh, 11th April. Laurence and David Dishington.

Fol. 6, a.

William Cunnynghame in Dolphingtoun for Johne Cunnynghame of Bonytoun, to pay to the Treasurer £10 for his escheat within 40 days hereof, or else within that time obtain nullity of the horning obtained against him by Andro, Lord Stewart of Uchiltrie, for not subcribing to him the assurance therein mentioned. Cunningham of Bonnyton.

Fol. 6, b.

Robert Scot of Heidschaw, for Sir Robert Scot of Thirlestane, 1000 merks, and the said Sir Robert for Robert Scot, his son and apparent heir, £500, and for Johnne Skaillis, Thomas Heislop in Hoiphous, Robert Patirsone, Robert Cowane there, James Wynlaw in Eltreive, Johnne Scot, Robert Bryden there, William Houp in Ettriksyde, Thomas Bryden there, Robert Greive in Ramsecleuch, Walter Stoddirt in Skabcleuch, Andro Scot in Schorthoip, Matthew Grahame in Dalgleische, William Diksoun there, the said Sir Robert's men, Johnne Scot in Ettrikhouse, James Almes there, Archibald Stewart there, 300 merks each, not to reset Walter Scot of Edschaw, Alie Batie, oy to James Scot of Gilmescleuch, Petir Scot, son natural of the said Sir Robert, William Scot, brother of the said Sir Robert, Symon Scott, son of the said William, Alexander Stewart, son of James Stewart of Tynneis, and William Scot in Glak, while they remain at the process of horn used against them by Walter Scot of Tuschelaw for not subscribing an assurance to him. Edinburgh, 12th April. Sir Robert Scott of Thirlestane and others.

Robert Weir of Halcraige for Williame Baillie, apparent of Lamentoun, £1000, not to harm Alexander Menzies of Culteraltouris. The band, registered by Mr Alexander Sym, advocate, and written by Gedione Weir, notary in Lanerik, is subscribed at Lanerik, 10th April, before William Weir in Castelhill, the surety's brother, Lukas Greinsheillis, James Bell, servitor to the said principal, and the said notary. Baillie of Lamington.

Fol. 7, a.

Richard Broun of Coutermaynis, for Mr Alexander Menzeis of Culterhauchis, £500, and the said Menzeis for Johne Blak in Culterralleris, Chairlis Byris there, William Mure there, Archibald Blak there, and Richie Patoun there, 100 merks each, not to harm Dame Margaret Baillie, Lady Lamyngtoun, Sir William Baillie, apparent of Lamyngtoun, her son, Patrik Baillie, her brother, Edward Maxwell, her son, Alexander Baillie of Bakbie, William Baillie in the townhead of Lamyngtoun, Alexander Baillie in Quhythill, Johne Baillie of St John's Kirk, Johne Galloway in Culter, James Brown there, Johne Douglas there, Andro Cunynghame, his servant, Edward Lindsay in Kirkwoode, Robert Chanceler there, Gilbert Hammiltoun, portioner of Neisbitt, or Johne Cowane in Lamyngtoun. Edinburgh, 13th April. Mr Alexander Menzies and others.

Fol. 7, b.

Jonas Hammiltoun of Coitcoit, for dame Margaret Baillie, lady Lamingtoun, £1000, not to harm Mr Alexander Menzeis of Culterhauchis, Johnne Blak in Culteraller, Chairlis Byres, merchant there, William Mure there, Archibald Blak there, or Ritchie Patoun there. Lady Lamington.

Fol. 8, a.

Alexander Baillie of Bakbie, as principal, and Gilbert Hammiltoun, portioner of Neisbit, as surety for him, £500, to the same effect as in last caution. Alexander Baillie.

Edward Lindsay and Robert Chancellor.

Edward Lindsay in Birchwood, and Robert Chanceller there, as sureties, each for the other, 300 merks each, also to the effect foresaid. Acta Caut. 1609-1611.

Edinburgh, 15th April. Andrew Lindsay.

Johnne Mortymer of Parkfuirde, for Andro Lindesay in Little Leckowy, £500, not to harm Andro Skirling in Leikewy, Andro Skirling, his son, David Skirling there, Andro Miller, servitor to the said Andro Skirling, or Johnne Young, servitor to the said David Skirling. The band, registered by Mr Oliver Colt, advocate, is subscribed at Forfar 13th April, before Johnne Dicksone, bailie of Forfar, William Scot, burgess there, James Suty, bailie, and Mr William Schewan, notary, writer hereof. Fol. 8, b.

Edinburgh, 18th April. Elizabeth Stewart and others.

James Dunlop of that Ilk, for Elizabeth Stewart, Lady Kneland, 1000 merks, and Andro, Archibald, and Johne Knelandis, brothers of the Laird of Kneland, 500 merks each, not to harm David Little of Badronisgill, or Thomas Andersone, his servant.

William Cumming.

Mr Thomas Annande of Glasgrene, for William Cuming, fiar of Ernesyde, 2000 merks, not to harm Mr James Dundas, chantor of Murray, conform to the charge given to him of date 20th February 1609. The band, registered by Mr Thomas Gray, advocate, and written by Mr William Annand, son of the surety, is subscribed at Elgin 8th April before George Cuming, burgess there, James Innes, son of Johne Innes of Auchquhilkuncart, and the said writer hereof. Fol. 9, a.

Edinburgh, 21st April. Walter Scott and others.

William Scot of Fingland, brother of Sir Robert Scot of Thirlstane, for Walter Scot of Eidschaw, Alie Batie, Petir Scot, Symone Scot, Alexander Stewart, and William Scot in Glak (*ante*, p. 695), and William Weir, burgess of Edinburgh, for the said surety, to pay to the Treasurer, each of them, £10 for their escheat goods, or else to obtain nullity of the horning used against them for not subscribing an assurance to Walter Scot of Tuschelaw. Fol. 9, b.

Edinburgh, 24th April. Gilbert Acannan.

Gilbert M°Adam of Waterheid, for Gilbert Acannan in Moredrokat, 400 merks, not to harm Johnne M°Millane of Brugmark or Alexander M°Millane there. The band, registered by Mr Laurence M°Gill, advocate, is subscribed at the Waterheid of Greiche, 19th April, before Quintene M°Adame, son of Gilbert M°Adame of Waterheid, writer hereof, and Thomas Milligane in Wodheid. Fol. 10, a.

Edinburgh, 29th April. William Cumming.

David Cuming of Boigges, for William Cuming, fiar of Ernesyd, 2000 merks, not to harm Patrik Dunbar of Conzie, heritable proprietor of the lands of Eist Grange and Kilboyak, conform to the charge given to him dated at Edinburgh 20th February last. The band, registered by Mr Alexander Cuming, advocate, and written by Mr William Annand in Elgine, is subscribed there 22nd April, before Mark Mawer of Mawerstoun, George Cuming, burgess of Elgin, Andro Innes there, and the said writer hereof.

Edinburgh, 2nd May. Robert Napier.

Mr William Naper, son of William Naper of Wrythishoussis, for Robert Naper, his brother, £2000, to answer before the Council on 16th instant touching his alleged ravishing and abducting of Bessie Turnbull, daughte of William Turnbull of Airdrie. Fol. 10, b.

Acta Caut. 1609–1611. Fol. 11, a.

Alexander Gordoun of Oxhill, for James Petrie, elder, merchant, burgess in Elgin, 400 merks, not to harm Isobell Cuming in the College of Elgin, conform to the charge given to him dated at Edinburgh 25th February last. The band, registered by Mr William Naper, advocate, and written by George Annand, writer, is subscribed at Elgin 28th April, before James Petrie, younger, James Innes in Elgin, and the said writer hereof. Edinburgh, 4th May. James Petrie.

Fol. 11, b.

Robert Fawsyde of that Ilk, and James Fawsyde, his son and apparent heir, for Johnne Johnnstoun, bailie of the Water of Leith, 5000 merks, that, when freed furth of his present ward in the tolbooth of Edinburgh, he will remain in the burgh of Edinburgh till relieved and appear before the Council when charged. Edinburgh, 12th May. John Johnstone.

Sir James Balfoure of Pitchullo, for Johnne Leslie of Boquhen, 5000 merks, that, when freed furth of his ward in the castle of Edinburgh, he will remain in the burgh of Edinburgh till relieved. Edinburgh, 15th May. Leslie of Boquhan.

Fol. 12, a.

John Skrymgeour of Kirktoun, for Mr James Fothrynghame, portioner of Glenboy, not to harm Mr David Williamsoun, minister at Methieburn, under the pains in the King's letters. The band, registered by Mr William Oliphant, advocate, is subscribed at Kirktoun of Maynis, 12th May, before Gilbert Skrymgeour, the surety's brother, Alexander Fothringhame, brother's son of the said principal, William Bruce, notary, writer hereof, Thomas Gairdner, servitor to the said principal, and Mr James Fergusoun, schoolmaster at the Kirk of Maynis. Mr James Fothringham.

Fol. 12, b.

Bartilmo Home, portioner of Synprin, for Johnn Cranstoun of Kirkhill, 300 merks, to answer before the Council on 8th June next touching his alleged wounding of Thomas Frater, sometime in Hardlaw, now in Cummerlawis, and to pay to the Treasurer £20 for his escheat goods. Edinburgh, 18th May. John Cranston.

Mr Alexander Lindsay of Canterland, for Patrik Sommervell, servitor to the Laird of Edzell, 300 merks, to answer before the Council on 23rd instant for hurting James Libbertoun in Nether Libbertoun. Edinburgh, 19th May. Patrick. Somerville.

Fol. 13, a.

Duncane Forbes, apparent of Camphell, for James Gordoun, younger of Newtoun, 500 merks, and for George Chalmer of Noth, 300 merks, not to reset Johnne Meldrum of Ordley, at the horn at the instance of Alexander, Lord Elphingstoun. James Gordon and George Chalmers.

William Gordoun of Burnecroynoch, for Johne Chalmer in Drumbulge, 300 merks, not to reset Johnne Meldrum of Ordley, conform to the charge given him dated at Edinburgh 16th March last. The band, registered by Mr Johnne Dempster, advocate, and written by George Jope, notary public at Edinburgh, is subscribed there, 14th May, before Mr William Reid, minister at Gartlie, Andro Mar in Gartlie, Johnne Forbes of Craigtoun, Robert Gordoun at Gartlie Kirk, and George Jope, writer hereof. John Chalmers.

Fol. 13, b.

Thomas Geddes, merchant, burgess in Edinburgh, for William Geddes, his son, 500 merks, to answer before the Council on 3rd August next to the complaint of Katherine Weir, daughter of the late Weir, burgess there, and Katherine Stewart, her good-dame, for his alleged ravishing and away-taking of the said Katherine. William Geddes.

George Angus of Brighous for William Schaw, eldest son and apparent Edinburgh, 25th May. William Shaw.

heir of George Schaw of Glenmure, £1000, not to harm William Cunnynghame of Capringtoun. Acta Caut. 1609–1611.

Edinburgh, 26th May. Earl of Orkney.

David, Earl of Crawfurd, Patrik, Lord Gray, and Andro, Master of Gray, and the said Lord Gray, as administrator to his said son (who has declared that he has no curators and is not infeft in any part of his father's heritage, but in so much as was his wife's conjunct fee), for Patrik, Earl of Orknay, £20,000, to remain within the bounds of Loutheane, Fyff, and Angus till relieved. Fol. 14, a.

John Gordon.

George Chalmer of Nothe for Johnne Gordoun of Ardlogy, 300 merks, not to reset Johne Meldrum of Ordley, conform to the King's letters obtained by Alexander, Lord Elphingstoun. The band, registered by Mr Laurence Makgill, advocate, and written by Johnne Makiesoun, notary public, is subscribed at Brumend of Creichie, 20th May, before William Seatoun of Muny, William Gordoun, son of Johnne Gordoun of Drumes, Normond Arbuthnot, servitor to Johnne Leslie of Wairdes, and the said writer hereof.

Edinburgh, 1st June. John Baillie.

Johnne Baillie of St Johnne's Kirk for Johnne Baillie of , indweller in Edinburgh, 2000 merks, not to harm Mr James Hammyltoun, advocate. Fol. 14, b.

Mr James Hamilton.

Hammyltoun, younger of Bathcat, for Mr James Hammyltoun, advocate, 2000 merks, not to harm Johnne Baillie of , indweller in Edinburgh.

Crichton of Cluny.

Sir Robert Dalzell of that Ilk, for Sir Robert Creichtoun of Cluny, 1000 merks, to answer before the Council on 15th June instant to a complaint by William Rowand of Bandane, Cristeane Barclay, his spouse, and James Dewcher, his tenant, touching the said Sir Robert's sending of David Gairne, Gawin Dalzell, Johne Cuthill, and David Prophet, his servitors, to the said Laird of Bandane's lands of Gairdin, and there putting violent hands on the said James Dewcher. Fol. 15, a.

Edinburgh, 2nd June. Alexander Tulloch.

Sir Johnne Dunbar of Mochrum, for Alexander Tulloch of Tannacheis, 300 merks, to answer before the Council on 20th July next for his alleged coming to the house of Patrik Dunbar of Golffuird with a drawn sword, laying hold on James Dunbar, messenger, compelling him to render his weapons, taking him captive to the town of Forres, laying him in prison there, and at last forcing him to subscribe a band mentioned in the said complaint.

Edinburgh, 6th June. Purdie and Mitchelson.

David Borthuik, chamberlain of Newbotle, for Hew Purdy and Johnne Mitchelsoun in Pendreich, £100 each, to report to the Council by 29th instant a full agreement in writing of all disputes between them and James Park in Lawswad or else to re-enter in ward in the Tolbooth of Edinburgh, and in the meantime to keep the peace. James Purdy and Mungo Short in Pendreich become sureties in relief,—James Prymrois, clerk of Council, subscribing for Short. Fol. 15, b.

Edinburgh, 7th June. Mr David Williamson.

Andro Lamb in Leith for Mr David Williamsoun, Minister at Innerarite in Angus, 500 merks, not to harm Mr James Fodringhame, father-brother of Fodringhame of Pourie. Fol. 16, a.

Acta Cant. 1609–1611.

Patrik Butter of Gormok, for Patrik Blair of Ardblair, £1000, not to harm James Straithauchin, notary, burgess of Dundie, conform to the King's letters dated at Edinburgh 24th May. The band, registered by Mr William Dowglas, and written by Johnne Cargill, notary public, is subscribed at the Kirktown of Rattray and Gormok 5th June, before Johnne Narne, servitor to the surety, Patrik Blair in Ardblair, James Neill in Muretown of Ardblair, Robert Nicolsoun in Lochsyd-Blair, Donald Cargill, notary, the said writer hereof, and Williame Balnevis. Patrick Blair.

Fol. 16, b.

Edward Edzer, younger, merchant burgess of Edinburgh, for Mr Williame Maxwell of Cavens, 1000 merks, to remain in the burgh of Edinburgh till relieved, on being freed furth of his present ward in the castle of Edinburgh. Edinburgh, 9th June. Mr William Maxwell.

Petir Hay of Kirkland for Gilbert Aliesoun in Scone, not to harm David, Lord of Scone, his tenants or servants, under the pains in the King's letters. Edinburgh, 10th June. Gilbert Allison.

Fol. 17, a.

Gilbert M°Dowall of Ervie, for Alexander Gordoun of Hillis, 1000 merks, not to harm William Gordoun of Murefade, or Jeane Glendoning, his mother. Alexander Gordon.

Alexander Thomsoun, skinner, burgess of Edinburgh, for Johnne Verth in Spittell, William Trotter, gardener there, Paull Young, miller there, and George Robesoun, grieve there, servitors to Mr Johnne Layng, keeper of the signet, 400 merks each, not to harm George Verth in Spittell or Hew Bairnisfathair there. Edinburgh, 17th June. John Verth and others.

Fol. 17, b.

George Mureheid in Restalrig, as principal, and Claud Mureheid of Richardjohnnestoun, as surety for him, £1000, not to harm Patrik Striveling in the Cannogait. George Murehead.

Alexander Lindesay of Kethik, for Harie Lindesay in Blairyfedden, 2000 merks, not to harm Sir Johnne Ogilbie of Innerquharitie, or David Ogilbie of Kynaldie, his brother. Edinburgh, 20th June. Harry Lindsay.

Fol. 18, a.

Johnne Broun of Land, for William M°Clellane of Aucheleane, tutor of Bombie, to pay to Willie Johnnstoun, called Willie of Wamfra, £500, incurred by him for his nonentry of the late Gilbert Johnnstoun of Wanfra before the Council as cautioner for him, in case it be found that he ought to do so. Edinburgh, 21st June. Tutor of Bomby.

Alexander Carnegy of Balnabroich for Johnne Fillin, baxter at the mekle mill of Brechine, 300 merks, not to harm Johnne Duncane, deacon, and the brethren of the baxter craft of Brechine. John Fillan.

Fol. 18, b.

George Murray of Spanyiedaill for Donald M°Phaill, elder, bailie of Durnoch, Donald M°Phaill, younger, citizen there, Donald M°Murchie M°Neill in Durnoch, not to reset William Murray, bower in Durnoch, Hutcheoun M°Phaill in Durnoch, Johnne M°Phaill, son natural of the late Thomas M Phaill there, and Alexander Polsone, while at the horn for the slaughter of Charlis Paip, portioner of Raine, under the pains in the King's letters. Edinburgh, 24th June. Donald Macphail and others.

Johnne Gordoun of Gospitour for Johnne Dempster, citizen in Durnoch, Thomas Weir there, Robert Weir, tailor there, and William John Dempster and others.

Murray, maltman there, 300 merks each, to the same effect. The band, registered by Mr James Sandilandis, and written by Angus Murray, notary public, is subscribed at Durnoch, 17th June, before Donald M^cPhaill, younger, merchant in Durnoch, Alexander Sutherland, merchant there, said writer hereof, and Walter Andersone, minister at Kildonnane, Acta Cant. 1609–1611.

Angus Murray and others.

Johnne Murray, fiar of Aberscors, for Angus Murray, citizen in Durnoch, and Richard Murray and Johnne Murray, citizens there, 300 merks, also to the effect foresaid. The band, registered and written as above, is subscribed at Aberscors, 16th June, before Donald M^cPhail, younger in Durnoch, James Chesholme of Auchie, treasurer, William Fiddes, Alexander Sutherland, merchant there, and the said writer hereof. Fol. 19, a.

Edinburgh, 26th June. Lord Ochiltree.

David, Earl of Crawfurd, for Andro, Lord Stewart of Uchiltrie, £10,000, that the said Lord and such of his men as are not at the horn for the slaughter of James, Lord Torthorwald, shall keep the peace, and not harm William, Earl of Mortoun, or his men. The band, registered by Mr Alexander Peiblis, advocate, is subscribed at Edinburgh, 23rd June, before James Beatoun of Westhall, Mr Johnne Garven, A. Lindesay, Dardyne. Fol. 19, b.

Edinburgh, 28th June. Alexander Smith.

George Leslie of that Ilk, and Johnne Fortoun, tailor, burgess of the Cannogait, for Alexander Smith, tailor, burgess there, 300 merks, to answer before the Council on 13th July next for his alleged assaulting of Samuell Blackburne, merchant, burgess of Edinburgh, with a great baton while he was coming in at the door of Smith's house in the Cannogait, and felling him to the ground; also to pay to the Treasurer £10 for his escheat. Fol. 20, a.

Edinburgh, 30th June. John Leslie.

Sir James Balfour of Petcullo, for Johnne Leslie, elder of Boquhan, 5000 merks, that the said Johnne, on having been relieved of his present ward in the burgh of Edinburgh and suffered to repair to his own house, will enter again in ward in the said burgh by 1st September next,—Johnne Leslie, fiar of Boquhen, becoming surety in relief.

Robert Irvine.

Mr Patrik Irwing of Corquhittachy, for Robert Irwing of Glassill, 500 merks, not to carry hagbuts or pistolets hereafter. Fol. 20, b.

James Petrie.

James Petre, elder, burgess of Elgin, for James Petre, younger, burgess there, 400 merks, not to harm Issobel Cuming in the College of Elgin. The band, registered by Mr Robert Mar, advocate, and written by James Petre, younger, is subscribed at Elgin, 24th June, before Johnne Leslie and Alexander Innes, burgesses in Elgin, and Mr Johnne Stewart, master of the grammar school there.

John Johnstone.

George Fawsyd of Cowthropill, and Thomas Johnnstoun, portioner of Currie, for Johnne Johnnstoun, bailie of the Water of Leyth, 5000 merks, to answer before the Council when charged touching the hearing of mass. Fol. 21, a.

Colquhoun of Luss.

Johnne Bontene of Ardoch, for Alexander Colquhoun of Lus, 2000 merks, not to harm Johnne Montgomerie of Scottistoun. The band,

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registered by Mr Umphra Blinsele, advocate, and written by Johne Bonten, is subscribed at Barscub, 29th June, before Johnne Colquhoun, parson of Kilpatrik Juxta, James Rae, servitor to Alexander Colquhoun of Lus, William Colquhoun, also servitor to the said Alexander, and Parlane M^{c}Water of Achinter.

Fol. 21, b. Robert Johnnstoun of Raecleugh, tutor of Johnnstoun, for James Williamsoun in Crawfurde, £500, not to harm William Moffet in Campt. Edinburgh, 3rd July. James Williamson.

Fol. 22, a. Johnne Forbes of Pitslego, Williame Forbes of Tolquhone, and Johnne Forbes of Brux, for Arthour, Lord Forbes, £10,000, that, when freed furth of his ward in Edinburgh Castle, he will remain in the burgh of Edinburgh till he satisfy the Treasurer for the offence for which he was warded,—the said principal becoming surety in relief. Edinburgh, 4th July. Lord Forbes.

Robert Strauchane, merchant, burgess of Mussilburgh, for Patrik Lindsay, portioner of the Collegeheid, £1000, not to harm George Tod, writer. Edinburgh, 5th July. Patrick Lindsay.

Fol. 22, b. Edward Johnnstoun of Ryhill, for Mr William Maxwell of Cavens, £500, not to bear hagbuts or pistolets hereafter. Edinburgh, 7th July. Maxwell of Cavens.

Alexander Gordoun of Oxhill for James Petrie, elder, merchant burgess in Elgin, James, Robert, Johnne, and Alexander Petres, his sons, 400 merks each, not to harm Issobell Cuming in the College of Elgin, Marjorie Johnnstoun, her daughter, spouse of George Cuming, burgess in Elgin, Johnne Cuming, son of the said George, James Johnestoun, son natural of Stephane Johnestoun in Elgin, Janet Hay, daughter of the late Thomas Hay, merchant burgess in Elgin, or Stephane Johnestoun in Elgin. Edinburgh, 12th July. James Petrie and others.

Fol. 23, a. Alexander Gordoun of Oxhill, for Patrik Gibsoun of Sheriffmill, 400 merks, to the same effect. Edinburgh, 13th July. Patrick Gibson.

Kenneth M^{c}Kenzie of Kintaill, for Hectour Monro of Assint, £1000, and for Robert Monro of Carbistill, 1000 merks, and the said Hectour for the said Laird of M^{c}Kenzie, £2000, not to harm Margaret Dunbar, spouse of George Monro of Tarrell, or the said George. Mackenzie and Munro.

Fol. 23, b. William Douglas, apparent of Cashogill, for William Kirkpatrik, younger of Kirkmichaell, 1000 merks, to answer before the Council on 10th August next to the complaint of Sir Thomas Hammiltoun of Bynnie, Sir James Douglas of Drumlangrig, and Johne M^{c}Coull in Over Garrell, Robert Glendoning there, and his spouse, for themselves and for the remaining tenants of the said Sir James in Overgarrell, (1) for bearing hagbuts and pistolets, (2) for wounding the said Johne M^{c}Oull in the head with a "grite trie," (3) for coming with convocation of the lieges to the town of Over Garrell and reiving the whole peats and elding in the said town; also to pay to the Treasurer £40 for his escheat. Edinburgh, 19th July. William Kirkpatrick.

Fol. 24, a. Thomas Gourlay in Dalketh, and William Clerk there, for Jonat Drysdaill in Creichtoun, 500 merks, to answer before the Council when charged touching the charge against her of "wytchcraft" and "murdereissing" of Andro Mitchelsoun in Corrie. Edinburgh, 20th July. Janet Drysdale.

Thomas Moffett of Crawfurd acknowledges having received from James Thomas Moffat's acquittance.

Prymrois, clerk of Secret Council, £20, consigned by James Williamsone in Crawfurd in his hands, and this at the command of the Secret Council. Accordingly, Prymrois is exonered of the same for ever, and Mr Johnne Skrogie is appointed procurator for registering the acquittance; which is subscribed at Edinburgh, 23rd June, before Mr James Harlaw, writer to the signet, Johnne Dicksone, and Johnne Kirk, writer hereof, his servants, —Robert Coltart, notary, subscribing for Moffet. Acta Caut. 1609–1611.

Peter Nairn. James Stewart of Rossyth for Peter Narne, servitor to the Earl of Seyfield, 500 merks, that, when freed furth of his ward in the tolbooth of Edinburgh, he will enter in ward in the said burgh by 3rd August next, and remain there till he satisfy the Treasurer, and also William Kirkcaldie of Grange and his tenants, for the oppression committed by him on them, and especially for wounding Williame Yule, tenant of the said Laird of Grange. Fol. 24, b.

James Williamson. Johne Williamsoun of Overhall in Glengith for James Williamsone in Crawfurd, £500, not to harm Thomas Moffet in Crawfurde. Fol 25, a.

Earl of Orkney. Patrik, Lord Gray, and Walter, Lord Blantyre, for Patrik, Earl of Orkney, committed to strait ward in the castle of Edinburgh, and now released to free ward in the said castle, £20,000, to remain within the said castle till relieved by the Council,—the said Earl, in presence of James, Bishop of Orkney, giving his great oath that he will not leave his ward till freed by the Lords of Privy Council, under pain of perjury.

Edinburgh, 24th July. David Beaton and others. Alexander Beatoun of Golingo, for David Beatoun of Carsgownie, £500, and for Alexander Carnegy in Howmure, and Johnne and David M°Keis in Quhynniedrum, 300 merks each, not to harm Johnne Lindsay of Wodwra, heritable proprietor of the lands of Easter Ballinscho and Powgarro, or dame Katherine Lindesay, Lady Wodwra, his mother, liferentrix of the said lands, or their men or tenants. The band, registered by Mr Isaak Broun, advocate, and written by Johnne Fentoun, writer in Dundie, is subscribed at Dundie, 21st July, before the said Fentoun, Andro Murray, burgess of Aberbrothok, and William Quhyte in Dundie. Fol. 25, b.

Edinburgh, 27th July. Alexander Smith. Hew Broun, burgess of Edinburgh, for Alexander Smyth, tailor in the Cannogait, 500 merks, to answer before the Council when required to the complaint of Samuel Blackburne, merchant burgess of Edinburgh (*ante*, p. 700). Fol. 26, a.

Henry Livingston. Johne Edmestoun, baxter, burgess of Edinburgh, and Johne Levington, baxter, burgess of the Cannogait, for Henry Levingtoun in the Cannogait, 500 merks, to answer before the Council, on the first Council day of September next, to the complaint ot the bailies of the Cannogait.

Edinburgh, 28th July. George Strachan. Andro Maull of Guildie, for George Strathauchin in Skethin, 2000 merks, not to harm Robert Flescheour of Innerpeffer.

Edinburgh, 29th July. William Wood. Alexander Lindesay of Kethik for William Wod of Thaynestoun, 500 merks, to answer before the Council, on 17th August next, to the complaint of Sir Thomas Hammlytoun of Bynnie, and Mr Patrik Lindesay, brother of David Lindesay, elder of Vane, for carrying hagbuts and pistolets, and besieging the said Mr Patrik in the dwelling house of David Fol. 26, b.

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Myll in Strathiewell. Sir Johnne Wod of Balbegino becomes surety in relief.

Sir Johnne Wischart of Pittarro for Mr James Wischart of Balfeich, his brother, £500, not to carry hagbuts or pistolets hereafter; also William Forbes, elder of Monymusk, for the said Mr James, £1000, not to harm Sir Robert Arbuthnot of that Ilk. Edinburgh, 31st July. Mr James Wishart.

Fol. 27, a. Patrik Forbes of Cors, for William Forbes of Monymusk, elder, £4000, not to harm Alexander Irwing of Drum, or Johne Irwing, elder of Pitmurchie. Edinburgh, 3rd August. Forbes of Monymusk.

William Forbes, elder of Monymusk, for Patrik Forbes of Cors, 3000 merks, to the same effect. Forbes of Corse.

Fol. 27, b. James Forbes of Lethentie and Johnne Forbes of Pitsligo, each for the other, in 10,000 merks and 3000 merks respectively, not to harm Alexander Irwing of Drum, Mr Robert, James, William, and Johnne Irwingis, his brothers, or Johnne Irwing, elder of Pitmurchie. Forbes of Pitsligo and another.

Fol. 28, a. George Monro of Tarrell, for Donald Neilsone of Assint, £500, to answer before the Council on 16th November next to the complaint of Rory M°Kenzie of Cogach touching his alleged coming to the said Rory's lands of Lauchanshas and there casting down of sheils, houghing three score kye, and cutting the tails of horses belonging to the said Rory. Neilson of Assint.

William Forbes of Tolquhone, as principal, and William Forbes of Corsinda, as surety, *et vice versa*, not to harm Alexander Irwing of Drum, or his brothers foresaid, or Johnne Irwing, elder of Pitmurchie, under the pains following: viz. Laird of Corsinda £4000, and the Laird of Tolquhone 3000 merks. Edinburgh, 4th August. Lairds of Tolquhan and Corsindae.

Gilbert M°Phedrich of Mylnejowane, for William M°Phedriche in Auchlay, servitor to Hew Kennedy of Girvenmains, 500 merks, to answer before the Council on 7th September next to a complaint by James Kennedy of Culzeane for his alleged reset of Thomas M°Alexander, put to the horn for the slaughter of Sir Thomas Kennedy of Culzeoun and conveying him away on his own horse. William MacPhedrich.

Fol. 28, b. Johnne Monro of Lymlair, as principal, and Andro Monro of Tenovar, as surety for him, *et vice versa*, and the said Johnne for Hucheoun Monro, his servant, £1000, not to carry hagbuts and pistolets hereafter. Edinburgh, 5th August. John Munro.

Johne Monro of Lymlair for Hutcheoun Monro, his servant, £500, not to harm Hectour Monro of Assint. Hucheon Munro.

Fol. 29, a. Arthour, Lord Forbes, as principal, and James Forbes of Lethintie, William Cuming, fiar of Eirnesyde, William Sinclair, apparent of May, and George Sinclair of Dunbeth, as sureties for him, £10,000, not to harm Alexander Irwing of Drum, or his brothers foresaid (3rd Aug.), or Johnne Irwing, elder of Pitmurchie. Lord Forbes.

James Dempster, fiar of Auchterles, for Johnne Meldrum of Herdley, 2000 merks, not to harm William Troup of Pittindreich, or Andro Meldrum of Ordley; also to answer before the Council, on 23rd November, to the complaint of the King's advocate, and of Johne Leyth of Harthill, and Patrik, William, and the late Mr George Leythis, his sons, for bearing Edinburgh, 7th August. Meldrum of Hardlie.

hagbuts and pistolets and wounding the said Mr William (? George) Leyth in the right hand, £500. Acta Caut. 1609–1611.

Thomas Duncan. Johnne Duncane, deacon of the baxters, citizen of Brechin, for Thomas Duncane, also baxter there, 400 merks, not to harm Johnne Fillane, baxter at the Mekle Mill of Brechin, conform to the King's letters of date 26th June last. The band, registered by Mr Umphra Blinsele, advocate, and written by Johne Lyoun, notary, is subscribed at Brechin, 2nd August, before William Ramsay and George Wricht, notaries, Richard Chapman, citizen in Brechin, and said writer hereof,—Wricht subscribing for Thomas Duncane. Fol. 29, b.

Laurence Oliphant and others. Johnne Oliphant of Heuchfield for Laurence Oliphant of Nether Turingis, 1000 merks, not to harm David Lindesay of Balgayis; also the said Laurence for Patrik Oliphant of Over Turing and Johnne Oliphant of Kirktoun, 1000 merks each, not to harm the said David Lindesay. The band, registered by Mr Umphra Blindschell, advocate, and written by David Wilsone, notary, is subscribed at Forfer, 4th August, before Johnne Traill, notary, common clerk of Forfer, said writer hereof, Andro Adame, his servitor, Patrik Cairnecors, son of the late Mr William Cairnecors of Balmaschenner, and James Lyoun, son of the late Johne Lyoun of Arnafoull. Fol. 30, a.

Robert Maxwell. Sir Johnne Maxwell of Pollok and Patrik Maxwell of Newark, for Robert Maxwell, brother of Johnne, sometime Lord Maxwell, 10,000 merks, that, his ward in the castle of Edinburgh having been charged from strait to free in regard of his "infirmitie and seiknes," he will not escape furth of the castle till relieved by the Council. The band, registered by Adam Cunnynghame, advocate, and written by Adame Cunnynghame, is subscribed at Edinburgh Castle, Kilmacolme, and Darnelie, 4th and 6th August, before the said advocate, Johne M°Myne, his servant, Mark Glaidstones, burgess of Edinburgh, Thomas Home, constable, Mr Alexander Maxwel of Kilmacolme, James Hammyltoun in Newark, Archibald Dunbar in Pollok, Robert Boyd and Robert Maxwell there. Fol. 31, a.

Edinburgh, 9th August. William Garioch. Arthour, Lord Forbes, for William Gariauch of Kynstarie, £500, to keep the peace, not to carry hagbuts or pistolets, and to answer before the Council when charged. Fol. 31, b.

Alexander Maxwell. Alexander Maxwell of Logane, as principal, and Johne Glendoning of Drumrashe, as surety for him, to keep good rule, not to reset Johnne, sometime Lord Maxwell, his Majesty's declared traitor, or any others denounced for assisting him, or any of the outlaws of the Middle Shires, and to answer before the Council when charged, under the pain of 3000 merks if he fail in any of the premises.

Edinburgh, 11th August. James Johnstone. Sir James Douglas of Drumlangrig, for captain James Johnnstoun of Lochhouse, 3000 merks, to keep good rule in the country, and to appear before George, Earl of Dunbar, his Majesty's lieutenant of the Borders, when charged. Fol. 32, a.

George Keith. George Keyth, fiar of Poulburne, for George Keith of Clakreoche, £2000, not to harm Andro Fraser of Staniewod, or Alexander Fraser of Durris;

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also not to carry hagbûts or pistolets, and to answer before the Council when charged.

Johnne Kynnaird, fiar of that Ilk, for Adame Gordoun of Inverhichat, £2000, for Patrik Ros, apparent of Auchlossin, 1000 merks, and for Menon (?) Hog, elder in Bleredrene, 500 merks, to the same effect as in last caution. Adam Gordon and others.

Fol. 32, b. Robert Carnegy of Dynnichten, for Johnne Gordoun, son of Johnne Gordoun of Carneborrow, £2000, also to the same effect. John Gordon.

Fol. 33, a. Harbert M^cClellane of Gregorie for Thomas Maxwell, brother of Alexander Maxwell of Logane, £500, to keep the peace, not to reset Johnne, sometime Lord Maxwell, or his accomplices, outlaws of the middle shires, and to answer before the Council when charged. Thomas Maxwell.

Sir Robert M^cClellane of Bombie, for Archibald Maxwell of Cowhill and James Maxwell of Conhaith, 2000 merks each, to the same effect. Archibald and John Maxwell.

Fol. 33, b. Sir Robert Fairlie, apparent of Braid, for James Lundy of that Ilk, 5000 merks, and for James Lundy at Balcormokmill, 1000 merks, not to bear hagbuts or pistolets hereafter, and to appear before the Council when charged. James and James Lundy

Sir Robert Gordoun of Lochinvar for Edward Maxwell of Hillis, 5000 merks, to keep good rule in the country, not to reset Johnne, sometime Lord Maxwell, or any at the horn for assisting him, or any of the fugitives of the middle shires, and to appear before the Council when charged. Edward Maxwell.

Fol. 34, a. Archibald Maxwell of Cowhill, for Johnne Maxwell, his brother natural, 500 merks, to the same effect. John Maxwell.

William Creichtoun of Hill, for Johnne Maxwell of Kirkconnell, 2000 merks, also to the same effect. John Maxwell.

Fol. 34, b. Robert Johnnstoun of Raecleuch, tutor of Johnnstoun, for James Maxwell of Portrak, and Robert Maxwell, apparent of Portrak, 2000 merks each, also to the same effect. The band, registered by Mr Umphra Blinshell, advocate, is subscribed at Edinburgh, 11th August, before Mungo Johnnstoun of Swynfoote, Robert Welsche of Dallaurdie, and Robert Maxwell. James and Robert Maxwell.

Fol. 35, a. Sir Johnne Charterhouse of Amisfeild for Edward Maxwell of Tynwall, 5000 merks, and for Homer Maxwell of Carneshallach, 1000 merks, also to the same effect. Edward and Homer Maxwell.

Fol. 35, b. Sir James Balfour of Petcullo, for Johnne Leslie, elder of Boquhan, 5000 merks, to answer before the Council when charged upon 20 days' warning. Leslie of Boquhan.

Dandie Young of the Know, for James Young, his brother, 1000 merks, to go abroad by Martinmes and remain "perpetuall" in foreign places, and in the meantime to reside with his said brother. James Young.

William Douglas, fiar of Cashogle, for Harbert Maxwell of Cavens, and Mr William Maxwell, apparent of Cavens, 1000 merks each, to keep good rule in the country, not to reset Johnne, sometime Lord Maxwell, or any Robert and Mr William Maxwell.

of his assisters, or any of the fugitives of the middle shires, and to appear before the Council when charged. Acta Cant. 1609–1611.

Robert Munro. Hectour Monro of Assint, for Robert Monro, apparent of Assint, 1000 merks, not to carry hagbuts or pistolets hereafter, and to appear before the Council when charged. Fol. 36, a.

Peter Nairn. Andro Borthuik, merchant, burgess of Edinburgh, for Peter Narne, servitor to the Laird of Leyfield, 500 merks, to make satisfaction to William Yule in Tyrie for the wounding of him (for which the said Peter had been committed to ward in the tolbooth of Edinburgh), or else to enter in ward within the said tolbooth when lawfully charged.

Ninian Chirnside. Robert Swyntoun of that Ilk, and Robert Sinclair of Langformagus, for Niniane Chyrnesyd of Quhitsomelawis, £1000, that, on being freed furth of his ward in the castle of Edinburgh, he will remain in the burgh of Edinburgh till relieved. Fol. 36, b.

Robert Coutts. George Currour of Inschdrour for Robert Coutis of Auchtertoull, £2000, not to harm Andro Fraser of Staniewod, or Alexander Fraser of Duris; also not to bear hagbuts or pistolets, and to appear before the Council when charged.

William Mossman. Patrik Chyrnesyd in Edinburgh, for William Mosman, notary in the Cannogait, 200 merks, to appear before the Council when charged. Fol. 37, a.

Matthew Logan. Andro Logane of Quotfeild for Mathew Logane, servitor to late Robert Logane, sometime Laird of Restalrig, 200 merks, to answer before the Council when charged.

Edward Maxwell. Sir Robert Gordoun of Lochinvar for Edward Maxwell of the Yle, 2000 merks, to keep the peace, and not to reset Johnne, sometime Lord Maxwell, or any of his assisters, or any fugitive of the middle shires, and to appear before the Council when charged.

George Maxwell. Johnne Glendonyng of Drumrash for George Maxwell of Drumcoutrane, 1000 merks, to the same effect. Fol. 37, b.

Edinburgh, 13th August. John Gordon. Adame Gordoun of Innerluchal, son of Johnne Gordoun of Carneburrow, for Johnne Gordoun, apparent of Avachie, 2000 merks, to keep good rule in the country, not to carry hagbuts or pistolets, and to answer before the Council on 1st Thursday of December for his resetting of Adame Gordoun, his brother, who is his Majesty's rebel.

Edinburgh, 16th August. Robert Innes. Robert Innes of Innermarkie for Robert Innes of Cottis, 500 merks, to answer before the Council on 2nd November next to the complaint of James Innes of Dranie, and Alexander Innes, his brother, alleging that the Laird of Cottis and his accomplices on 13th April last waylaid the complainers at the Boat of Spey, and there fiercely assaulted them, wounding them to the effusion of their blood. The band, registered by Mr Laurence M^{c}Gill, advocate, and written by Alexander Mylne, writer in Elgin, is subscribed at Elgin, 7th August, before William Innes of Oblistoun, James Burnet of Craigmyle, George Sutherland, notary public, burgess of Elgin, the said writer hereof, Mr A. (?) Burnet, and Archibald Innes. Fol. 38, a.

Edinburgh, 17th August. George and Alexander Montgomery. William Montgomerie, merchant, burgess of Edinburgh, for Archibald, Fol. 38, b.

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George, and Alexander Montgomerie, burgesses of Irwing, 500 merks each, to enter in ward in the burgh of Edinburgh on 2nd November next. In respect of the present caution, the principals are relieved of their present ward in the said burgh.

Fol. 39, a.

Johnne Meldrum of Ordley, for James Dempster of Auchterles, £500, to answer before the Council on 23rd November next to the complaint of Johnne Walker in Knokleyth, and Margaret Thomsone, his spouse, for assaulting her "with grit batouns, sho being than grit with barne," and making "hir to pairt with barne," and for giving Walker "mony bauch, blae, and blody" strokes. James Dempster.

Arthour, Lord Forbes, for William Cuming, fiar of Ernesyde, 2000 merks, not to harm Mr James Dundas, chamberlain of Murray. Edinburgh, 19th August. William Cumming.

Fol. 39, b.

Johnne Robsoun, merchant, burgess of Edinburgh, for Lancelot Anislie in Oxnem, and Adame and Patrick Anislies, his sons, 500 merks each, not to harm Adame Murray in Plenderlethtoun. Edinburgh, 30th August. Lancelot Ainslie and sons.

Thomas Heroun, maltman at the West Port, for Thomas Clerksoun in Cousland, 300 merks, not to harm Archibald Hammyltoun in Blackburne. Thomas Clarkson.

Fol. 40, a.

James Carmichaell of Potteshaw, for Archibald Hammyltoun in Blackburne, 300 merks, not to harm Thomas Clerksoun in Causland. Archibald Hamilton,

James Johnstoun, burgess of Air, for David Fergushill, burgess there, 500 merks, to answer before the Council on 14th September next to the complaint of David Crawfurd, bailie of Air. David Fergushill.

Johne Maxwell of Conhaith, for Chairlis Maxwell, his brother, 1000 merks, to keep good rule in the countrv, not to reset Johne, sometime Lord Maxwell, or his assisters, or any of the fugitives of the middle shires, and to appear before the Council when charged. The band, registered by Mr Johne Darling, advocate, and written by Harbert Cunynghame, notary, is subscribed at Drumfries, 28th August, before the said writer, Edward M^{c}Kie in Troqueir, George Maxwell, writer, and Johne Batie in Drumfreis. Edinburgh, 1st September. Charles Maxwell.

Fol. 40, b.

Johnne Durahame, brother of the late James Durahame of Ardestie, for William Durahame of Grange, and Jeane Leslie, Lady Grange, £1000 each, and for James Kid at the Brig of Monyfuth, and Henry Lovell in Arsludie, tenants of the said Lady, 500 merks each, not to harm Thomas Fotheringhame of Powrie; also to pay to the Treasurer for their escheat goods the sums following,—Durahame 100 merks, Lady Grange £40, and each of the other two £10. The said William Durahame and his said colleagues, having been put to the horn for not finding lawburrous to the said Thomas, had obtained, on appeal to the Council, suspension of the horning upon condition that they found caution for the indemnity of the said Thomas and for payment of their escheats. Therefore Johnne Rynd, fiar of Carse, and Henry Durahame of Fallaws, bind and oblige themselves for the said principals to the said Thomas for his indemnity and for payment to the Treasurer of composition for their escheats, under the pains above written. The band, registered by Mr Thomas Mawer, Edinburgh, 5th Sept. Durham of Grange and others.

advocate, and written by Johnne Durahame, is subscribed at Monyfuth, 3rd September, before Henry Ramsay of Ardony, Mr Andro Clayhillis, minister at Monyfuth, Mr Patrik Durahame, and Mr Robert Halie. Acta Caut. 1609–1611.

Carmichael of Meadowflat, Captain of Crawford.

Sir Johnne Murray of Blakbarony and Sir Edwin Murray of Eliebank, for Johnne Carmichaell of Medowflat, captain of Crawfurd, £2000, to keep good rule in the country, not to carry hagbuts or pistolets, and to appear before the Council when charged. Fol. 42, a.

Alexander Reid.

Normond Forbes of Little Bracko, for Alexander Reid in Langschaw, 500 merks, not harm Robert Perie in Wranghame. The band, registered by Mr Umphra Blinshell, advocate, is subscribed at Pitslego, 28th August, before Johnne Forbes and Petir (Patrik) Crystie, servitors to Johnne Forbes of Petsligo, Johnne Robsone, messenger, and Magnus Ogstoun, notary public, writer hereof.

Edinburgh, 7th Sept. Sir Thomas MacLellan.

Patrik M°Clellane of Jordaneland for Sir Thomas M°Clellane of Gelstoun, £1000, not to harm Johnne Andersone, merchant, burgess of Kirkcudbrigh. The band, registered by Mr Oliver Colt, elder, advocate, is subscribed at Cumstoun, 4th September, before Anthone Broun, Johnne Kennedy, and Johnne Horner, servitor to Sir Thomas M°Clellan. Fol. 42, b.

Mr William Scott and others.

Mr Petir Kinloche, writer, for Mr William Scot of Elie, 1000 merks, Robert Aikin in Loganhous for James Aikin, his son, and for Alexander Weitche and Alexander Gray, servitors to the said James, 300 merks each, and said James for said Robert, his father, 300 merks, not to harm Johnne Lindsay of Covingtoun, Allane Lockart of Gleghorne, Sir James Foulis of Colingtoun, Johnne Cunnynghame in Ballerno, William and Andro Wischartis there, James Mubra there, Johnne Peirie there, Andro Penny there, William Smyth there, William Davie in Cokburne, William Wilsoun, elder, there, William Wilsoun, younger, there, Adame Hodge there, Thomas Cumla there, Andro Broun there, Alexander Peirie there, Johnne Bister, Johnne Lindsay in Kirknewtoun, Johnne Andersone there, James Andersone, James Gilbert there, Alexander Allane there, Andro Gray there, James Greg there, James Greg, younger, there, Alexander , Alexander Greg, son of the said James Greig, James Shankis there, James Cleland there, Walter Cunnynghame there, Johnne Kello in Ravilrig, William and Henry Kellois, his sons. Fol. 43, a.

Edinburgh, 11th Sept. Alexander Gordon.

Alexander Ord of Fyndachtie (that Ilk), for Alexander Gordoun in Fornachtie, 1000 merks, not to harm Alexander Duncane in Hiltoun, conform to the charge given to Gordoun by William Cuming, officer, on 29th August instant. The band, registered by Mr Johnne Darling, advocate, and written by Mr William Leslie, notary public, is subscribed at Findachtie, 6th September, before Alexander Andersone in Achemuir, Thomas Ord, the surety's son, James Ord in Murieruk, and the said writer hereof. Fol. 43, b.

Edinburgh, 15th Sept. Cuthbert Cunningham.

Johnne Cunynghame, merchant, burgess of Edinburgh, for Cuthbert Cunynghame, burgess of Drumfreis, to whom license is granted to pass home to Drumfreis for taking order with his affairs, that he shall re-enter in ward in Edinburgh, within 20 days hereof, under the pain of £1000. Fol. 44, a.

Acta Caut. 1609-1611.

Sir Walter Stewart of Arthourlie and Sir William Callender of Ballnicloich for James Crawfurd of Fermes, 3000 merks, not to harm Sir Robert Hammyltoun of Lekprevick, conform to the charge of date 31st August last. The band, registered by Mr Umphra Blinsele, advocate, and written by George Hutchesoun, notary in Glasgow, is subscribed at Glasgow, 13th September, before James Hammyltoun, merchant, James Dunlope, schoolmaster, and James Duncane and George Hutchesoun, notaries, all burgesses of Glasgow. Edinburgh, 16th Sept. James Crawford.

Fol. 45, a.

Andro Hammyltoun of West Burne, for Sir Robert Hammyltoun of Leckprevick, 3000 merks, not to harm James Crawfurd of Fermes, and to keep good rule in the country. The band, registered by Mr James Hammyltoun, advocate, and written by William Forrest, servitor to Sir Claud Hammyltoun, is subscribed at Rutherglen, 13th September, before James Hammyltoun, servitor to said Sir Claud, Johnne Falconer, servitor to said advocate, and the said writer hereof. Sir Robert Hamilton.

Duncane Menzeis of Comrie for Alexander Menzeis of Weyme, 2000 merks, and for Robert Menzeis of Overfauldis, £500, not to harm Alexander Flemyng of Manes. The band, registered by Mr David Prymrois, advocate, and written by Robert Marshall, writer in Dunkeld, is subscribed at Dunkeld, 19th September, before Mr James Menzeis, minister at Dull, Johnne M°Neill, his servitor, said writer hereof, and Thomas Mershell, notary public. Edinburgh, 22nd Sept. Alexander and Robert Menzies.

Fol. 45, b.

Mr Johnne Rutherfurd, bailie, and James Rutherfurde, maltman, in Jedburgh, for Andro Rutherfurd, bailie there, 1000 merks, not to harm James Anislie, merchant, burgess of Edinburgh, conform to the charge dated at Edinburgh 1st September last. The band, registered by Mr Thomas Nicolsoun, advocate, and written by James Rutherford, notary, is subscribed at Jedburgh, 22nd September, before Mr Johnne Abernathie, minister at Jedburgh, James Rutherfurd, notary there, Alexander Wishart, messenger, and Robert Rea, merchant, burgesses of Jedburgh. Edinburgh, 23rd Sept. Andrew Rutherford.

Fol. 46, a.

Normond Forbes of Little Braco, for Alexander Reid in Lenscho, not to harm Thomas Schand in Wranghame, under the pains in the King's letters. The band, registered by Johnne Belscheis, advocate, and written by Robert Smyth, servitor to Mr Alexander Irwing, advocate, is subscribed at Petsligo, 14th September, before James Forbes, Patrik Crystie, James Lindsay, Alexander Luncard, servitors to Johnne Forbes of Petsligo. Edinburgh, 26th Sept. Alexander Reid.

Fol. 46, b.

Thomas M°Clellane of Balma, for Sir Robert M°Clellane of Bomby, 5000 merks, to keep the peace, not to harm Mr William Maxwell of Cavens, Maxwell, his brother, or Edward Edzer, younger, merchant, burgess of Edinburgh, not to bear hagbuts or pistolets hereafter, and to answer before the Council when charged. The band, registered by James King, advocate, and written by Laurence Keir, servitor to James Prymrois, clerk of Council, is subscribed at Kirkcudbricht, 26th September, before Mr Robert Glendoning, minister at Kirkcudbricht, Johne Mekill and Alexander Mekill, notaries public, and Johnne Ewart, merchant, burgess of Kirkcudbricht. Edinburgh, 28th Sept. MacLellan of Bomby.

Edinburgh, 29th Sept. George Pringle.

Robert Hepburne in East Fentoun, for George Pringle of Blindlie, 500 merks, not to carry hagbuts or pistolets hereafter. Acta Caut. 1609–1611.

Edinburgh, 3rd Oct. Robert Archibald and sons.

Alexander Thomsone, burgess of Edinburgh, for Robert Archibald, burgess of Dysart, and Thomas Archibald, his son, 500 merks each, and for Michaell, James, and Johnne Archibaldis, also his sons, 300 merks each, not to harm Jonet Spens, relict of Thomas Noble in Dysart. Fol. 47, a.

Edinburgh, 4th Oct. George Home.

Sir James Foullis of Colingtoun, for George Hume, fiar of Broxmouth, £1000, not to harm George, Earl of Dumbar, his tenants or servants. Fol. 47, b.

Duncan Crawford.

Allane Cathcart of Drumjowane for Duncane Crawfurd of Drumsay, 2000 merks, not to harm David Fergushill or James Johnnstoun, burgesses of Air.

Edinburgh, 6th Oct. Thomas MacLellan.

Sir Robert M°Clellane of Bombie for Thomas M°Clellane of Overlaw, 500 merks, not to harm Mr William Maxwell of Cavens, Robert Maxwell, his brother, or Edward Edzer, merchant, burgess of Edinburgh; also to answer before the Council when charged, and not to carry hereafter hagbuts or pistolets. Fol. 48, a.

Andrew Rorison.

Johnne Edzer of Inglistoun for Andro Roriesoun of Bardarroch, 2000 merks, to keep good rule in the country, not to reset Johnne, sometime Lord Maxwell, or his rebellious assisters, or any fugitives of the middle shires, to appear before the Council when charged, and to pay to the Treasurer £40 for his escheat goods. The band, registered by Mr Johnne Dawling, advocate, is subscribed at Glencarne, 17th September, before Johnne Broun, minister at Glencarne, James Creichtoun, younger of Crawfurdtoun, Robert Fergusone, younger of Craigdarroch. Fol. 48, b.

Edinburgh, 12th Oct. George Irvine.

Andro Ker of Old Roxburgh and James Johnnstoun of Lochehous for George Irwing of Woodhous, £500, that, on being freed furth of his present ward in the Tolboath of Edinburgh, he will remain in the burgh of Edinburgh. Fol. 49, a.

David Burrell.

Andro Hutsone, merchant, burgess of Edinburgh, for David Burrell in Kineskwod, 100 merks, not to reset Sir James Arnot, younger of that Ilk, while he remains at the horn for not paying to Umphra Galbraith, tailor in Edinburgh, the sums contained in the letters of horning.

Edinburgh, 13th Oct. James Leslie and others.

Johnne Leslie of Kyninwie, for James Leslie of Easter Arbreck, *et vice versa*, and Mr Alexander Leslie, parson of Murtlie, for Henry Stewart of Arbrodin, 500 merks each, not to reset or assist James, Earl of Athoill, while at the horn for escaping furth of the company of Walter, Lord of Blantyre, to whose charge he had been committed. Fol. 49, b.

Edinburgh, 20th Oct. Gilbert Kirkland.

Andro Mathesone and Robert Watsoun, weavers in the Cannogait, for Gilbert Kirkland, weaver in the Plesantis, 500 merks, not to harm Patrik Gairdner, Harie Robiesoun, George Hill, James Donaldsone, Archibald Wairdlaw, Cuthbert Wricht, Barnie Young, Patrik Donaldsone, Bader Wilsone, Johnne Donaldsone, Johnne Andersone, Alexander Cochrane, Johnne Dick, William Walker, Ronald Robiesone, Abraham Ramsay, Robert Young, Walter (? William) Reid, William Cashe, Robert Brysone, Patrik Gowry, Johnne Gairdner, Robert Thomsone, James Boyle, Richard Dalgleische, James Fairlie, Cuthbert Mathesoun, Robert Robiesoun,

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Johnne Gairdner, younger, Franceis Tailyeour, Thomas Cas, Johnne Wricht, David Wilsone (? Watsoun), Alexander Wricht, Johnne Fairlie, Thomas Smyth, Johnne Weir, Alexander Hill, or Johnne Philp, weavers in Edinburgh.

Fol. 50, a. Alexander, Lord Elphingstoun, Alexander, master of Elphingstoun, and Sir George Elphingstoun of Blythiswod, for James, Lord of Balmerinoch, £40,000, that, his Majesty having been pleased to enlarge his ward for one mile in circuit round about the palace of Falkland, where he has been kept prisoner this long time bygone, he will keep ward in the said palace and within one mile thereabout till relieved. The band, registered by Mr David Prymrois, advocate, is subscribed at Falkland, 23rd October, before Mr James Elphingstoun of Quarrell, James Prymrois, writer hereof, and Laurence Keir, his servitor.—"This act deleit be speciall warrand and commandment of the Kingis Majestie and Lordis of Secreit Counsaill.—J. Prymrois." Edinburgh, 25th Oct. Lord Balmerino.

Fol. 50, b. William M'Clellane of Auchleane, for Cuthbert Cunynghame, notary, burgess of Drumfreis, £500, to satisfy the presbytery of Drumfreis for anything they can lay to his charge concerning his religion; also to answer before the Council when charged upon 10 days' warning. Edinburgh, 26th Oct. Cuthbert Cunningham.

Fol. 51, a. Mr Robert Ker of Templehous, for Hew Maxwell, fiar of Teilling, 500 merks, to answer before the Council on 23rd November next to the letters of horning executed against him by Hercules Guthrie in Pitstandlie, Andro Quhithorne there, and Jonet Gibsoun, relict of Andro Nesche. Hew Maxwell.

Arthour Barry, cordiner in the Cannogait, and Thomas Bane, smith there, for Edward Allane, weaver in Plesance, 500 merks, not to harm Patrik Gairdner and his colleagues before-mentioned, weavers in Edinburgh (see 20th Oct.). Edinburgh, 27th Oct. Edward Allan.

Fol. 51, b. William Lindsay, armourer, burgess of Edinburgh, for Alexander Lindsay, weaver in Plesance, 500 merks, to the same effect. Edinburgh, 3rd Nov. Alexander Lindsay.

William Montgomerie, merchant, burgess of Edinburgh, for Archibald, George, and Alexander Montgomerie, burgess of Irwing, 500 merks, to appear before the Council on 4th January next and to enter that day in ward in the burgh of Edinburgh. In respect of this caution, licences are granted to them to pass home. George and Alexander Montgomery.

Fol. 52, a. George, Earl of Caithnes, Lord Sincler of Berredaill, and William, Lord Sincler of Berriedaill, as principals, and James Sincler of Murkill, Johnne Sincler of Ratir, and Frances Sincler of Lythmoir, as sureties for them, not to harm George Sincler of Dunbeith, the Earl of Caithnes under the pain of 5000 merks and the Master under the pain of 4000 merks. The band, registered by Mr Laurence M'Gill, advocate, and written by William Istoun, "our servitour," is subscribed at Castle Sincler, 23rd October, before Mr Alexander Innes of Achiebegis, Johne Patoun and Johnne Davidsoun, notaries public, and the said writer hereof. The Earl and Master of Caithness.

Fol. 52, b. James Sincler of Murkill, Johnne Sincler of Ratir, and Henry Sincler in Borrowstoun, as principals, and George, Earl of Caithnes, and William, Lord Sincler, as cautioners for them, not to harm George Sincler of James Sinclair and others.

Dunbeith, each of the first two principals under the pain of 3000 merks and the said Henry under the pain of £1000. The band, registered by Mr Laurence M°Gill, and written by Johnne Innes of Thursettir, is subscribed at Castle Sincler, 24th October, before Mr Alexander Innes, Johne Patoun and Johne Davidsoun, notaries, and the said writer hereof. Acta Caut 1609–1611.

Edinburgh, 4th Nov. John Cunningham. Johnne Cunynghame, of Cunynghameheid, as principal, and James Wynrahame of Sauchtounhall, as cautioner, £1000, not to harm Alexander Montgomerie, burgess of Irwing. Fol. 53, b.

Edinburgh, 9th Nov. John Hamilton. Johnne Hammiltoun of Prestoun, as principal, and Sir Johnne Wallace of Carnell, as surety, £2000, not to harm Barbara Cokburne, relict of George Hammiltoun of Prestoun,—the said Johne Hammiltoun, and James Hammiltoun, his eldest son, becoming sureties in relief.

Edinburgh, 10th Nov. Michael Cochrane. Robert Creichtoun, burgess of Wigtoun, for Michaell Cochrane, burgess there, 300 merks, to appear before the Council on 7th December next as witness in the complaint of Nicoll Forsyth, burgess of Edinburgh, Thomas M°Crere in Shennantoun, and his Majesty's Advocate, against Alexander Mure of Coitland, William Mure, his brother, and William M°Kye of Kerequhirne, for their alleged shooting of a "putrinell" at Forsyth and M°Crere, and wounding them with drawn swords; also to pay to the Treasurer £20 for his escheat goods. Fol. 54, a.

William Fullarton. Mr Alexander Lindsay of Canterland and Andro Wischart of Muretoun, for William Fullertoun of Crago, 4000 merks, not to harm David, Earl of Crawfurd; also to prosecute the said Earl and his accomplices on 7th December next before the Council for chasing him in October last through the town of Dundie and shooting of pistolets at him, under the pain of 500 merks. Fol. 54, b.

George Sinclair. Arthour, Lord Forbes, for George Sincler of Dunbaith, 3000 merks, not to harm George, Earl of Caitnes, William, Lord Sinclair, his son, James Sincler of Murkill, Johnne Sincler of Ratter, Henry Sincler of Borrowstoun, or Frances Sincler of Lethmoir, son of the said Earl. The band, registered by Mr Robert Lermonth, and written by David Sandilands, servitor to David Moysie, writer, is subscribed at Edinburgh, 10th November, before Robert Skene of Bandodle, James Forbes, Johnne Caddell, and the said writer hereof. Fol. 55, a.

Edinburgh, 11th Nov. Countess of Lothian. Sir Johnne Home of Coldenknowis, for dame Margaret Maxwell, Countess of Lotheane, 4000 merks, not to harm Robert, Earl of Lotheane.

Mosie Faw. David Lindsay of Quarrelhill for Mosie Faw, £1000, to appear before the Council when charged, and not to reset the persons called Egyptians,—David, Earl of Craufurd, becoming surety in relief. The band, registered by Mr David Prymrois, advocate, is subscribed at the Cannongait, 11th November, before William Lyoun, Alexander Lindsay, and Gilbert Rynd, servitors to the said Earl, and Alexander Wylie, servitor to James Prymrois, clerk of Council. Fol. 55, b.

Edinburgh, 13th Nov. Earl of Lothian. Jonas Hammyltoun of Coltquot, for Robert, Earl of Louthiane, £5000, not to harm dame Margaret Maxwell, Countess of Louthiane. Fol. 56, a.

Edinburgh, 18th Nov. John Lillico and others. Mr Johnne Home of Swanschiell, for Johnne Lillico, Mark Ker,

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David Turnbull, William Patoun, Thomas and James Milleris, Robert Fiddes, and Hay, tenants of Sir Johnne Ker of Littledene, 500 merks each, not to harm William Allesoun, burgess of Jedburgh, Issobell Ker, his spouse, or George Allesoun, Robert Allesoun, elder, Robert Allesoun younger, Johnne Allesoun, elder, Johnne Allesoun, younger, or William Allesoun, all sons of the said burgess of Jedburgh.

Fol. 56, b. Johnne Turner, sheriff clerk of Wigtoun, for William M°Kie of Kerequhirne, 500 merks, to answer before the Council on 20th instant to the complaint of Nicoll Forsyth, Thomas M°Crere, and his Majesty's advocate (*ante*, p. 712), for wounding the said Nicoll with a sword in the head; also to pay to the Treasurer £20 for his escheat goods. Edinburgh, 20th Nov. William MacKie.

Fol. 57, a. David Borthuik in Haucheid, for dame Margaret Maxwell, Countess of Loutheane, to deliver to Mr Frances Bodwall, Mr Thomas Barclay, Micheall Findlay, and Edward Makmaith, for themselves and for the other tacksmen of the customs, the one half of the cocket seal alleged to be in her hands, in case it be found that she ought to do so. Edinburgh, 22nd Nov. Countess of Lothian.

William Rig, merchant, burgess of Edinburgh, for Donald Neilsoun of Assint, £500, to answer before the Council, on 1st March next, to a complaint of Rory M°Kenzie of Cogach, for his alleged coming with convocation of the lieges to the said Rory's lands of Lauchanshae, casting doun the shiels built thereon, barbarously houghing three score of his kye, and cutting the tails from his horses. Donald Neilson.

Fol. 57, b. Johnne Haliburtoun of Mertoun, as principal, and Johnne Haliburtoun of Murrewslaw and George Halieburtoun of Pennicle, as sureties for him, 3000 merks, not to harm James Haig of Bemersyd. Edinburgh, 23rd Nov. John Haliburton.

William Ker of Mertoun, eldest son of Andro Ker of Yair, for James Haig of Bemersyd, 3000 merks, not to harm Johnne Halieburtoun of Mertoun. Edinburgh, 24th Nov. Haig of Bemerside.

Fol. 58, a. Alexander Flemyng of Mones, as principal, and Alexander Stewart of Boneskeid, as surety, £1000, not to harm Alexander Menzeis of that Ilk, Robert Innes in Abirfaldie, Duncane Menzeis of Combrie, Mr William Menzeis in Dentoun, James Menzeis in Drumdewne, Allaster Menzeis in Baliehomes, or Donald Leitche in Donafoull. Edinburgh, 25th Nov. Baron of Moness.

George Brody of Unthank, for Mr Gawin Douglas, burgess of Elgin, £500, not to harm William Hay of Mayne, conform to the King's letters dated at Perth 26th September 1604. The band, registered by Mr Thomas Nicolsoun, advocate, is subscribed at Elgin, 15th November, before Alexander Brodie, son of David Brodie of that Ilk, Mr David Philp, preacher of the Holy Gospel at Elgin, William Torrae (Torray), burgess there, and Alexander Gadderar, burgess there, notary public, writer hereof. Edinburgh, 27th Nov. Mr Gavin Douglas.

Fol. 58, b. Petir M°Dowall, fiar of Machrymoir, for Johnne Moffet in Mekle Cars, James Craufurd there, Johnne M°Kachy, younger in Peckmaclurge, and Mungo M°Quoid in Carsduncane, not to harm William M°Dowall in Glennimure, under the pains contained in the King's letters. Edinburgh, 28th Nov. John Moffat and others.

Fol. 59, a. Robert Johnnstoun of Recleugh, tutor of Johnnstoun, for Johnne Edinburgh, 29th Nov Captain of Crawford.

Carmichaell of Medowflatt, captain of Crawfurd, to relieve James Hammyltoun, now of Libbertoun, son and heir of the late James Hammyltoun of Libbertoun, of the said late James's caution whereby he had become bound for the late Sir James Johnnstoun of Dunskelly that the said late Sir James should appear before the Council as often as charged to answer touching the quietness of the late Borders under pain of £10,000,—whereupon the said late James Hammyltoun had alleged that decree of contravention had been given against him adjudging him in the said pain; also to pay to the treasurer 100 merks for his escheat. Acta Caut. 1609–1611.

Edinburgh, 1st Dec. Gabriel Logan and Gilbert Marshall.

Patrik Maxwell of Newark, for Gabriell Logane, merchant, burgess of Glasgow, and Gilbert Mairschall there, £500 each, to answer before the Council on 28th instant to the complaint of Archibald and Johnne Findlays, merchants in Glasgow, for hurting and wounding them; also to pay each of them to the Treasurer £20 for their escheat goods. Fol. 59, b.

William Irving elder, and his son.

Edward Irwing of Wysbie for William Irwing, elder in Auchilfechin, and William Irwing, his son, £500 each, to answer before the Council on 21st instant to the complaint of Johnne Maxwell of Conhaith for coming with a number of outlaws to his place of Kirkconnell, surprising the same, removing his servants furth thereof, and stuffing it with men, victual, and armour; also to pay, each of them, to the Treasurer 40 merks for their escheat goods.

Edinburgh, 7th Dec. Earl of Crawford.

Williame, Earl of Mortoun, for David, Earl of Crawfurd, 10,000 merks, not to harm Williame Fullertoun of Crago,—the Earl of Crawfurd obliging himself to relieve the Earl of Mortoun of all pain that he may incur through his cautionary. Fol. 60, a.

Edinburgh, 8th Dec. George Bruce and others.

James Gib of Carribber, for George Bruce, son of captain James Bruce, Alexander Guidlet, servitor to Sir Johnne Bruce of Arth, Adame Robsone, collier in Arth, and David Aikin there, 300 merks, to answer before the Council on 21st instant to the complaint of Alexander, Lord Elphingstoun, and Sir Thomas Hammyltoun of Bynnie for his Majesty's interest, touching their alleged coming with convocation of the lieges to the house of Johnne Baschett in Elphingstoun at night, violently entering therein, and wounding the poor people in the said house. Fol. 60, b.

Edinburgh, 9th Dec. John Gordon.

Johnne Gordoun of Craig of Auchindoir, for Johnne Gordoun, apparent of Avachie, 2000 merks, to keep the King's peace, not to bear hagbuts or pistolets hereafter, and to appear before the Councll when charged.

Edinburgh, 14th Dec. Quintin and Patrick Mure.

William Boyd of Achrocher, for Quintene Mure of Auchneill, and Patrik Mure, his son and apparent heir, 500 merks each, to answer before the Council on 22nd February next to the complaint of James Kennedy of Culzeane for their alleged resetting of Thomas M°Alexander, who is fugitive for the murder of Sir Thomas Kennedy of Culzean; also to pay to the Treasurer £40 each for their escheat goods.

David Campbell.

William Mure of Rowallene for David Campbell of Skeldoun, £500, to appear before the Council on 1st March next, and underlie decree anent the entry before the Lords of Robert Campbell in Potterstoun, alleged to be the said David's tenant. Fol. 61, a.

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Alexander Maxwell of Logane for James Maxwell, his brother, £500, to keep the King's peace, not to reset Johnne, sometime Lord Maxwell, or his assisters, or any of the outlaws of the middle shires, to appear before the Council when charged, and to pay to the Treasurer £40 for his escheat goods. The band, registered by Adam Cunynghame, advocate, and written by Alexander Wylie, servitor to James Prymrois, clerk of Council, is subscribed at Edinburgh, 19th December, before the said Adame. Edinburgh, 20th Dec. James Maxwell.

Fol. 62, a.

Allaine Lockhart of Cleghorne, for Thomas Weir of Kirktoun, 200 merks, not to reset Johnne Weir in Over Quhytecleugh, Mungo Weir, his brother, there, Petir Weir in Goit, or Margaret Weir in Bagra, during their abiding at the horn for the murder of Johnne Hammyltoun, merchant, burgess of Edinburgh. Edinburgh, 21st Dec. Thomas Weir.

Johnne Twedy of Kinglegas for Mathew Moffat in Camp, £100, to the same effect. Matthew Moffat.

Williame Bruce, brother of Sir Johnne Bruce of Arth, for Daniell Bryce in Arth, 300 merks, to answer before the Council on 4th January next for his alleged act of oppression committed on Johnne Baschett in Elphingstoun (*ante*, p. 714). Daniel Bryce.

Fol. 62, b.

Johnne Bannatyne of Harperfeild for George Braidfute in Schireffcleugh, and Johnne and James Braidfutis, his brothers, £100 each, not to reset Johnne Weir and his accomplices above mentioned, denounced for the murder of Johnne Hammyltoun, merchant, burgess of Edinburgh. Edinburgh, 22nd Dec. George Broadfoot and others.

Fol. 63, a.

Mathew Baillie of Littlegill, for Johnne M°Morrane of Glaspen, William M°Morane of Glenblaith, James M°Morane of Smelgillis, and James Tailfeir of Strongcleugh, £1000 each, and for Johnne Tailyiefeir of Liscleugh, James Tailyiefeir of Abingtoun, 1000 merks each, and the said Johnne M°Morrane for Johnne Hammyltoun of Glendaurane, Johnne and Mungo M°Morranes, sons of the said Johnne M°Morrane, Robert Tailyefeir in Stanehill, James M°Morrane in Shawheid, William M°Morrane of Glenbaith, 1000 merks each, not to harm William M°Maith, smith in Crawfurdjohnne. John MacMoran and others.

Fol. 63, b.

Sr Johnne Arnot of Berswick, treasurer-depute, acknowledges having received from Alexander, Earl of Dunfermlyne, chancellor, "one indented piece, being the standert of thre and twenty carrottis three graynes and a half of fyne gold and a half a grayne of alaye in the pound weght troy of England," made on 20th Aug. 1605; which standard piece weighs 2 oz. 1 d. weight, 16 grains, according to the Troy weight of England. The Treasurer-depute also admits having received from the said Chancellor three pieces of coined gold of England of the fineness of the foresaid indented piece, viz., one piece of 30s., one piece of 15s., one piece of 10s. Said standard piece and other three pieces had been received by the said Chancellor from Thomas, Lord Knyvett, warden of the English mint, for delivery to the Treasurer of Scotland, "to be saiflie keepit for the tryall of his Majesteis moneyis of fyne gold quhilk heirefter sall be maid in the mynte of Scotland, for the better declaratioun of the stampis and inscriptionis of the saidis peices," in conformity with an indenture Discharge to the Earl of Dunfermline for certain coins received by him from warden of the English Mint for delivery to the Treasurer of Scotland.

made on 14th November last between the said Chancellor and the Warden of the English mint. Accordingly, Arnot exoners the Chancellor of the said pieces for ever. The discharge, registered by Mr Williame Seytoun, advocate, and written by Daniell Melwill, servitor to Adame Lawtie, writer, in his writing booth in Edinburgh, is subscribed at Edinburgh, 22nd December, before Mr William Broun, treasurer-clerk, Mr James Raith, servitor to the said Lord Chancellor, and Mr Alexander Burnatt and Thomas Crombie, writers in Edinburgh. Acta Caut. 1609-1611.

Edinburgh, 23rd Dec. John Weir.

Quintene Broadfoote, merchant, burgess of Edinburgh, for Johnne Weir of Moscastle, £100, not to reset Johnne Weir and his accomplices above mentioned (*ante*, p. 715), denounced for the murder of Johnne Hammyltoun. Fol. 64, a.

Edinburgh, 28th Dec. George Brown.

Patrik Broun, merchant, burgess of Edinburgh, for George Broun in Berriehill, 500 merks, not to harm Johnne Argyll in Berriehill.

Logan and Marshal.

Adame Quhytefoorde of that Ilk, for Gabriell Logane, merchant, burgess of Glasgow, and Gilbert Marshall there, £500 each, that, on being freed furth of their present ward in the Tolbooth of Edinburgh, they will remain in the burgh of Edinburgh till 4th January next, when they shall appear before the Council and answer to the complaint of Archibald and Johnne Findlayis, merchants in Glasgow. Fol. 64, b.

Edinburgh, 30th Dec. William MacMoran.

Robert Loch, baxter in Edinburgh, for William M^cMorane there, £100, not to reset Johnne Weir and his accomplices, denounced for the murder of Johnne Hammyltoun (*ante*, p. 715).

Edinburgh, 8th Jan. 1610. William Chalmers.

Charlis Chalmer, portioner of Wester Fintry, for William Chalmer, portioner of Wester Disblair, £1000, not to harm Mr William Ord, burgess of Aberdeen. The band, registered by Mr Alexander Peiblis, advocate, and written by Mr William Chalmer, advocate in Aberdene, is subscribed before Walter Ord, servitor to the Earl of Marschell, Arthour Chalmer, son of the late Johnne Chalmer of Balbichane, Thomas Donaldsone in Aberdene, Robert Thomsone, son of James Thomsone in old Aberdene, and the said writer hereof. Fol. 65, a.

Edinburgh, 11th Jan. 1610. Martin MacKie.

Martene M^cKie in Knokbrakis, as principal, and Johnne Akynzene in Knockbrakis, as cautioner for him, 500 merks, not to harm Archibald Kennedy in Barnekirk. The band, registered by Mr Johnne Skrogie, advocate, and written by James Glover, writer in Wigtoun, is subscribed at Wigtoun, 3rd January last, before Patrick M^cKie of Baryerrok, Robert M^cKie, burgess in Wigtoun, Michaell M^cCulloch in Ersek, Walter M^cGill in Wigtoun, William Dunbar, notary, said writer hereof, and William Neisbet,—William Hair, notary, subscribing for Martyne M^cKie. Fol. 65, b.

John Akinzene.

Johnne Akinzeane in Knockbrakis, as principal, and Alexander M^cConnell, merchant in Wigtoun, as cautioner for him, 500 merks, to the same effect. The band is registered, etc., as above, William Dunbar and William Neisbeth, notaries, subscribing for M^cConnell. Fol. 66, a.

John Denholm.

Johnne Edzer of Inglistoun, for Johnne Denholme in Castlefairne, £100, to buy from Michaell, Lord Balfour of Burlie, or James Lawrie, burgess of Edinburgh, his depute, one stand of footmen's armour, conform to the Act of Convention. Fol. 67, a.

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Johnne Murray, merchant, burgess of Edinburgh, for Patrik Murray, one of his Majesty's guard, 500 merks, to answer before the Council on 25th January to the complaint of Umphra Gray, merchant, burgess of Edinburgh, for wounding him in his house in Edinburgh with a dirk and baton; also to pay to the Treasurer £20 for his escheat goods. Sir Johnne Murray of Phillophauch becomes surety in relief. Edinburgh, 18th Jan. Patrick Murray.

Fol. 67, b.

James Leslie of Mylnetoun of Durnoche for Hector Abercromby of Westhall, £1000, and for Adam Abercromby, his brother, 500 merks, not to harm Johnne Gordoun of Lichestoun or Alexander Gordoun of Oustishill [? Oxhill]. The band, registered by Mr James Hammiltoun, advocate, and written by Magnus Ogstoun, notary in Fraserburgh, is subscribed at Fingyes, 8th January, before Johnne Leslie of Balquhane, Leonard Haitlie, Alexander Davidsoun, William Leslie, domestic servant to the said Johnne, and the said writer hereof. Hector and Adam Abercromby.

Fol. 68, a.

William Dowglas, fiar of Cashogle, for William Kirkpatrik, apparent of Kirkmichaell, £500, to answer before the Council on 1st February next for acts of oppression alleged to have been committed by him on Sir James Dowglas of Drumlangrig, and Johnne M°Coull in Over Garrell, and Robert Glendonyng there, his tenants; also to pay to the Treasurer £10 for his escheat goods. Edinburgh, 19th Jan. William Kirkpatrick.

George Merser, burgess of Kirkcaldy, for William Scott, burgess there, 200 merks, not to reset Sir James Scot of Abbotishall while he abides at the horn, conform to the letters directed by William Scott, apparent of Balwerie, against him, and also to pay to the Treasurer 20 merks for his escheat goods if he has any outwith the regality of Dunfermelyne. The band, registered by Mr Henry Balfour, advocate, and written by the said William Scott, is subscribed at Kirkcaldy, 19th January, before Thomas Sibbauld and Thomas Ramsay, burgesses there. Edinburgh, 23rd Jan. William Scott.

Fol. 68, b.

Alexander Falconer of Halkertoun, as principal, and Patrik Falconer, his brother, as surety, 200 merks, *et vice versa*, 100 merks, and the said Alexander for Richard Melvill, son of James Melvill of Dysart, 100 merks, and for Johne Quhitlaw, Johnne Gordoun, and Robert Falconner, servants to the said Alexander, and for Duncane Falconer, son of Allaster Falconer *alias* M°Condoquhie, 25 merks each, not to carry hagbuts or pistolets hereafter. Edinburgh, 26th Jan. Alexander Falconer and others.

Fol. 69, a.

Johnne Levingstoun of Dynnypeace, for Mr David Rait, principal, £1000, Mr Johnne Chalmer, sub-principal, Mr James Strathauchin, Mr Patrik Guthrie, and Mr Gilbert Keyth, regents of the college of Aberdyne, and Mr James Rait, master of the grammar school, 1000 merks each, not to harm Mr William Ord in Aberdene. Edinburgh, 27th Jan. Principal and Regents of the College of Aberdeen.

Fol. 69, b.

William Chalmer of Drumlochie for Alexander Ogilbie of Achariach, £1000, not to harm Abrahame Piggot, elder, Abraham Piggot, younger, his son, notaries and clerks of the regality of Keremure, Alexander Piggot in Keremure, Margaret Gibsone, relict of Johnne Piggot there, Mr Johnne Piggot in Fardonie, James Piggot in Drumnachtie, or Johnne Piggot in Keremure. Alexander Ogilvy.

Edinburgh, 29th Jan. Lady Abbotshall.

William Scot, burgess of Kirkaldy, for dame Margaret Durie, Lady Abbotishall, 500 merks, not to reset Sir James Scot of Abbotishall, her son, during his rebellion, conform to the letters directed against her by William Scot, apparent of Balwerie. The band, registered by Mr Johne Dawling, advocate, and written by George Halkheid, notary public, is subscribed at Kirkaldie, 27th January, before Johnne Patersoun, servant to Sir James Weymes of Bogie, Johue Tennent, and said Halkheid, burgesses there. Acta Caut. 1609-1611.

John MacDowall.

Archibald Dunbar in Baldone, for Johnne M°Dowall of Freuch, 500 merks, to answer before the Council on 15th March next to the complaint of James Kennedy of Culzeane for resetting Thomas M°Alexander, who is fugitive for the murder of Sir Thomas Kennedy of Culzeane, father of the said James. Fol. 70, a.

Edinburgh, 30th Jan. John Edgar.

James Creichtoun, fiar of Crawfurdstoun, for Johnne Edzer of Inglestoun, 400 merks, not to harm Johnne Fergusoun of Corrodow, Thomas Fergusoun in Benboy, or Johne Fergusoun, son of the late Thomas Fergusoun, brother of Johnne Fergusoun of Craigdarroch.

Edinburgh, 1st February. Robert Dempster and Thomas Cocker.

Hectour Abircromby of Westhall for Robert Dempster in Cusny, £500, and the said Robert for Thomas Coker, miller at Knokleyth, £100, to answer before the Council on 15th March next to the complaint of Johnne Gordoun, younger of Achanachie, and Issobell Gordoun, his spouse, for coming with convocation in arms to the said Johne's hous of Achanachie, forcibly breaking up the doors thereof, and wounding Jonet Thomesoun, their servant, and Thomas Gordoun, son of the said Johnne; also to pay to the Treasurer the sums following, viz. Dempster 40 merks and Coker £10. Fol. 70, b.

Thomas Kirkpatrick.

Alexander Cunnynghame of Corshill and James Cunnynghame of Halkheid, for Thomas Kirkpatrik, apparent of Closburne, 3000 merks, that, on being freed of his present ward in the tolbooth of Edinburgh, he will remain in the burgh of Edinburgh till relieved by the Council; also that he will enter again in the tolbooth when charged, or answer to the complaint for which he was arrested and warded. James, Earl of Glencarne, becomes surety in relief.

Edinburgh, 2nd Feb. James and William Gordon.

James Gordoun of Lesmoir, for James and William Gordonis, sons of Johnne Gordoun of Leitchestoun, £500 each, to answer before the Council on 8th February next to the complaint of the late Alexander Abercrombie of Pitmeddan for coming to his place of Birkinboig, searching for him there for his slaughter, and reiving 200 loads of turves; also to pay to the Treasurer for their escheat goods the sum of 20 merks each. Fol. 71, a.

Robert Johnstone.

Arthour, Lord Forbes, for Robert Johnnstoun in Caysmylne, 5000 merks, that, on being freed of his present ward in the tolbooth of Edinburgh, he will answer before the Council on the last Thursday of May next to such things as shall be laid to his charge. Fol. 71, b.

Edinburgh, 3rd Feb. Murray of Spaniedale.

Johnne, Earl of Tullibairdin, for George Murray of Spanyiedaill, to keep Johnne, Earl of Sutherland, and the persons who became caution

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for him, conform to the general band, skaithless of everything done or to be done by him or his men which may infer a contravention of the cautionary.

Fol. 72, a.

Johnne, Earl of Tullibardin, for George Murray in Millegin, Andro and Johnne Murrayis, his sons, Johnne Murray in Auchinull, James Murray in Auchnabo, Andro Murray in Boginspro, George Noreis in Newbigging, Alexander Fordice in Knychtismylne, Andro Murray in Auchinull, and William Patersone there, £100 each, to answer before the Council on 8th March next for coming to Johnne Gordon's house of Ahanachie, and there wounding Jonat Thomesoun, his servant, and Thomas Gordoun, his son. George Murray and others.

Gilbert Neilsoun, son of Johnne Neilsoun of Craigcaffie, for Robert Hammiltoun, son of Hammiltoun of Stanehouse, 1000 merks, not to harm William Willokis, tailor in Edinburgh. Edinburgh, 7th Feb. Robert Hamilton.

Fol. 72, b.

Johnne, Earl of Tullibardin, for Hew Murray of Abirscors, and Johnne Murray, his son and apparent heir, to relieve Johnne, Earl of Sutherland, and those who became sureties for him conform to the general band of all things done or to be done by the said principal which may infer a break of the cautionary against the Earl of Sutherland. Hew and John Murray.

Mr Johnne Cockburne, fiar of Ormestoun, for David Murray, called of Aiked, 500 merks, not to harm Johnne Galloway, burgess of Annand. Edinburgh, 9th Feb. David Murray.

Fol. 73, a.

Mr Thomas Foullis, son of the late James Foullis of Collingtoun, for Sir James Foulis of Colingtoun, £1000, and the said Sir James for Archibald Penny in Oxingangis, Alexander Plane in the Badis, Alexander Gibsoun in Dreghorne, Cuthbert Denholme there, and Richard King in Colingtoun, 500 merks each, not to harm Alexander Fairlie of Braid or William Craig in Grenebank. Edinburgh, 12th Feb. Foulis of Colinton and his tenants.

Fol. 73, b.

Robert Ker of Newtoun, for Andro Hendersoun, son of Johnne Hendersoun, burgess of Edinburgh, 3000 merks, to keep ward in the tolbooth of Edinburgh till relieved by the Council. Edinburgh, 15th Feb. Andrew Henderson.

William Creichtoun of Liberie and William Creichtoun in Hill, for Robert, Lord Sanquhair, to buy from Micchell, Lord Balfour of Burlie, or James Laurie, merchant in Edinburgh, his depute, ten stand of horsemen's arms, under pain of £100 for each stand of arms. Lord Sanquhar.

Neill Montgomrie of Langschaw for Mr Alexander Skrymgeour, minister at Irwing, 300 merks, to answer before the Council when charged for his alleged reset of Mr Johnne Campbell, *alias* Father Crisostome. Edinburgh, 16th Feb. Mr Alexander Scrymgeour.

Fol. 74, a.

Johnne Johnnstoun, portioner of the Dene and bailie of the Water of Leyth, for David Hodge, maltman, burgess of Edinburgh, 1000 merks, not to harm William Young, "mailmaker" in Edinburgh, or Marioun Simpsoun, his spouse. David Hodge.

Johnne Stewart of Rosland for Mr Johnne Harper, minister at Kilbryd, 300 merks, to answer before the Council when charged for his alleged reset of Mr Johnne Campbell above mentioned. Mr John Harper.

Fol. 74, b.

Mathew Barnes, merchant in Edinburgh, for Johnne Good in Cumnok, 500 merks, to answer before the Council on 15th March next to the Edinburgh, 20th Feb. John Good.

complaint of Johnne Gemmill, notary in Cumnok, and Andro, Patrik, William, and Hew Gemmillis, his sons, for his alleged wounding of them. Acta Caut. 1609–1611.

Edinburgh, 21st Feb. MacKay of Far.

Hectour Monro of Assint for Hutcheoun M°Ky of Far, 3000 merks, to underlie before the Council on 21st June next such order as shall be given him for "quieting of his boundis," and not to reset therein "fugitive nor dissobedient yllishmen"; also to answer to the complaint of Sir Thomas Hammyltoun of Bynnie for his Majesty's interest, and of Angus Kennochsone in Berridaill, William Tailyeour, officer to the Earl of Caithness, Magnus Clerk in Berriedaill, Murchow Lewis, James Cormak there, Johnne Reidsone there, Donald Ryoch there, Donald Tobie there, the said Earl of Caithness's men, and of the Earl of Caithnes, for his alleged hounding out of Johnne Angusone, *alias* Sutherland, his sister-son, to the committing of certain acts of oppression; also to pay to the Treasurer £40 for his escheat goods within 40 days hereof, or else obtain nullity of the horning used against him within that time. Fol. 75, a.

Edinburgh, 23rd Feb. John Kennedy.

Johnne M°Adam, merchant, burgess of Edinburgh, for Johnne Kennedy of Blaquhan, 5000 merks, to keep the King's peace and not to harm James Kennedy of Culzeane. Fol. 75, b.

Sir Robert Dalzell.

James Lockart of Lie for Sir Robert Dalyell of Elyok, to keep the King's peace and not to harm Robert, Lord Sanquhair, under the pain of 3000 merks,—the said Sir Robert, and Gawin Dalyell, merchant in Edinburgh, becoming sureties in relief.

George and David Corry.

James Kennedy of Culzeane for George Corrie of Kelwod, 1000 merks, and for David Corrie his brother, 500 merks, to answer before the Council on 1st March next to the complaint of Sir Thomas Hammyltoun for his Majesty's interest, and of David Fergusone, brother of George Fergusone of Thrave, for breaking up a chamber door of the house of Thrave, and with drawn swords, hagbuts, and pistolets pursuing the said David for his life. Fol. 76, a

John Ramsay.

Robert Ramsay, citizen in St Androis, for Johnne Ramsay of Pryour Lethane, 1000 merks, to answer before the Council on 27th instant for his misbehaviour in that matter for which he had been warded. Fol. 76, b.

Edinburgh, 24th Feb. Kennedy of Culzean.

George Corrie of Kelwod, for James Kennedy of Culzeane, 5000 merks, to keep the King's peace and not to harm Johnne Kennedy of Blaquhan.

Alexander Kennedy and David Corry.

James Kennedy of Culzeane for Alexander Kennedy, his brother, and George Corrie of Kelwod for David Corrie, his brother, 500 merks each, to answer before the Council on 12th April next to the complaint of Gilbert Kennedy in Holme for breaking up the doors of his house and wounding him in the head with drawn swords.

Lord Sanquhar.

Johnne Creichtoun of Strathurde, for Robert, Lord Sanquhair, 5000 merks, to keep the King's peace and not to harm or trouble Sir Robert Dalyell of Elyok, or Sir Robert Dalyell, his son and apparent heir. Fol. 77, a.

John MacCoull.

Williame Buquhannane of Drummokill, for Johne M°Coull in Gartpharne, 200 merks, not to reset or intercommune with Walter, Andro, and Fol. 77, b.

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Alexander M^cKoullis, his sons, or Thomas Bullisland, their servant, rebels, conform to the charge given to him, dated at Edinburgh 6th February 1610. The band, registered by Mr Robert Narne, advocate, and written by Robert Alexander, notary at Drymmenkirk, is subscribed at Midcattir and Gartpharne, 24th February, before George Buquhanane, servitor to the surety, Patrik Andersoun, merchant in Kilmaronok, Robert Miller, officer to the Laird of Merchistoun of the barony of Edintillie, William Logan, servitor to the surety, George Buquhanane in Blair, William Foyir in Buquhanane, Johne Croket in Ringabir, and Robert Buquhanane,—the said notary subscribing for the surety and principal.

Fol. 78, a.

James Sommervell of Cambusnethaine, for Sir Robert Dalzell of that Ilk, son and apparent heir of Sir Robert Dalyell of Elyok, 3000 merks, to keep good rule in the country, and not to harm or trouble Robert, Lord Sanquhair. Edinburgh, 27th Feb. Sir Robert Dalzell, younger.

Johnne Kennedy of Blaquhan for George Kennedy in Holme, £100, to appear before the Council when charged upon eight days' warning. Gilbert Kennedy.

Fol. 78, b.

William Meldrum of Baddinscot, for Johne Innes of Elrig, 500 merks, to answer before the Council, on 24th May next, to the complaint of James Innes of Drenie, and Alexander Innes, his brother, for hurting the former on the shoulder and the latter on the head; also to pay to the Treasurer 40 merks for his escheat. Edinburgh, 28th Feb. John (? James) Innes of Elrig.

Alexander Menzeis of that Ilk, for Allaster Menzeis in Belliehomas and James Menzeis in Drumdewan, 400 merks each, not to harm Alexander Fleming of Monesse. Edinburgh, 2nd March. Alaster and James Menzies.

Fol. 79, a.

Johnne Dick of Barbestoun, for David Campbell of Skeldoun, 500 merks, not to suffer Robert Campbell in Potterstoun to be resetted on his lands. David Campbell.

Johnne Reid of Rogertoun, for James Reid of Pennyland, George Campbell in Eschmerk, William, Andro, Patrik, and Hew Gemmillis, sons of Johnne Gemmill, notary in Cumnok, 400 merks each, not to harm Johnne Good in Cumnok, conform to the King's letters dated at Edinburgh 21st February. The band, registered by Mr Johnne Haliday, advocate, and written by William Gemmill, notary, is subscribed at Cumnok 26th February, before Micchell Porter in Cumnok, Johnne Reid in Boyde, burgess of Air, and Robert Lockhart, notary. James Reid and others.

Fol. 79, b.

Andro Mitchell, merchant, burgess of Edinburgh, for Johnne Gemmill, notary in Cumnok, not to harm Johnne Good in Cumnok, under the pain of John Gemmill.

James Home, skinner, burgess of Edinburgh, for Thomas Murdo, weaver in Plesantis, 500 merks, not to harm Patrik Gairdner and his colleagues foresaid, weavers in Edinburgh (*ante*, p. 710). Edinburgh, 3rd March. Thomas Murdoch.

Fol. 80, a.

Petir M^cDowell, fiar of Machrymoir, for William M^cKie of Kerriquhirne, 300 merks, not to reset Findla M^cKrakane, burgess of Wigtoun, while lying at the horn to which he had been put by Thomas M^cKie, burgess there. Edinburgh, 5th March. William M^cKie. Edinburgh, 7th March.

Sir Robert Scot of Thirlestane for Symon Scot of Bonytoun, and Walter Sir Robert and Simon Scott.

Scot of Quhyteslyd for the said Sir Robert, £500 each, to answer before the Council, on 17th May next, to the complaint of the provost, bailies, and council of Peblis, for coming to the lands of Kelmure, yoking a plough thereon, cutting with axes five ploughs belonging to the said town, and pursuing complainers with hagbuts for their lives at their own ports. Acta Caut. 1609–1611.

Edinburgh, 8th March. John Williamson. James Williamsoun, in the town of Crawfurd, for Johnne Williamsoun, his son, £100, to answer before the Council on 17th May next to the complaint of Thomas Moffett in Crawfurd for hurting him in the right arm; also to pay to the Treasurer £10 for his escheat goods. Fol. 80, b.

James Small. Alexander Blair in Chappeltoun, for James Small in Fotherence, 300 merks, to keep good rule in the country, and not to harm or molest Robert Pittilloch at the mill of Kynnochtrie, William Pittilloch, his brother, James Pittilloch in Couper, James Halieburtoun in Buttergask, or George Halieburtoun of Buttergask.

Thomas Small. James Halieburtoun of Pitcur, for Thomas Small in Petrie, £100, to the same effect. Fol. 81, a.

James Halyburton and son. James Halieburtoun, portioner of Petrie, for James Halieburtoun, his eldest son, *et vice versa*, 500 merks each, also to the same effect.

Edinburgh, 9th March. Andrew Small. James Small. Thomas Small in Ardlair, for Andro Small, son of Thomas Small in Petrie, £100, also to the same effect. Fol. 1, b.

James Halieburtoun of Pitcur, for James Small in Petrie, £100, also to the same effect.

Thomas Small. James Halieburtoun of Pitcur, and Johnne Blair, apparent of Bagillo, for Thomas Small in Ardlair, 1000 merks, also to the effect above mentioned. Fol. 82, a.

Robert Pattullo and others. Patrik Campbell of Kethik for Robert Pittilloch at the Mill of Kynnochtrie, 500 merks, and the said Robert for William Pittilloch, his brother, James Pittilloch in Couper, and James Halieburtoun in Buttergask, 300 merks each, and for George Halieburtoun of Buttergask, 500 merks, to keep the King's peace; and not to harm or trouble Andro Small of Kirkland of Kettines, Thomas Small, his son, in Ardlair, or William, George, and Andro Smallis, also sons of the said Andro Small of Kirkland, Andro Gray of Bulyeoun, James Small in Foderance, Thomas Small in Petrie, James Small, his son, there, Andro Small, also his son, there, Thomas Small in Corstoun, James Halieburtoun, portioner of Petrie, James Halieburtoun, his son, Andro Ogilbie in Kettines, David Tyrie in Couper, Walter Ramsay there, or George Halieburtoun in Kettines. Fol. 82, b.

Andrew Gray and others. Robert Gray of Cranisley for Andro Gray of Bulyeoun, 1000 merks, and William Tyrie of Drumkilbo for David Tyrie in Couper of Angus, £100, and for Walter Ramsay, notary public there, 100 merks, not to harm or trouble Robert Pittilloch at the Mill of Kynnochtrie and his foresaid colleagues. Fol. 83, a.

Thomas Arbuckle. James Riddell, younger, burgess of Rutherglen, for Thomas Arbuckle, burgess there, 400 merks, not to harm Margaret Farey, indweller there. The band, registered by Mr James Hammyltoun, advocate, and written by Johnne Craig, notary in Glasgow, is subscribed at Glasgow, 5th March, Fol. 83, b.

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before Thomas Young, merchant, and Patrik Wilsoun, cordiner, burgesses of Glasgow, and the said notary.

Fol. 84, a. Thomas Small in Ardlair, for Andro Small of the Kirkland of Ketynis, 3000 merks, not to harm Robert Pittillo at the Mill of Kynnochtrie or any of his colleagues foresaid (*ante*, p. 722). Edinburgh, 10th March. Andrew Small.

Fol. 84, b. Coline Campbell of Boghall, for James Fogo of Cattintowie, and Mr Johnne Campbell, parson and minister at Lus, 200 merks each, not to reset or intercommune with dame Marie Grahame, Lady Buquhannane, elder, Johnne Logane and Donald M^{c}Kynnoir, occupiers of the Easter Mains of Buquhanane, Walter Logane in , Donald M^{c}Ilcheir in Gartaniche, Johne Buchanane, *alias* Waltersone, in Ballindoir, Donald Buchannane in Ardoyle, Thomas Buquhanane, at the Kirk of Buquhanane, James Govane, smith there, George Buquhanane in Ladrische, George Buquhanane in Bordland, Patrik Buquhanane, Gillespeck's son in Trimano, and Patrik M^{c}Andro Buquhanane in Craitchall, while they remain at the horn to which they had been put by Johne Colquhoun, eldest son of Alexander Colquhoun of Lus. James Fogo and Mr John Campbell.

Alexander Mitchelsoun, baxter, burgess of Edinburgh, for Johnne Hunter in Restalrig, 500 merks, and for Johnne Barnet, poultryman in Edinburgh, 100 merks, not to harm Johnne M^{c}Ra in Restalrig. Edinburgh, 15th March. John Hunter and John Barnet.

Fol. 85, a. Johnne Otterburne, merchant, burgess of Edinburgh, for Gilbert Kirkland, weaver in Pleasance, 100 merks, not to harm Patrik Gairdner and his colleagues before-mentioned, weavers in Edinburgh (*ante* p. 710),—Edward Allane, weaver in Plesance, and Johnne Spey, tailor in Edinburgh, becoming sureties in relief. Gilbert Kirkland.

Fol. 85, b. Hew Crawford of Quhytehill for Gilbert Baird of Auchmedin, 1000 merks, not harm James Cheyne of Pennan. The band, registered by Mr Robert Lermonth, advocate, is subscribed at Edinburgh, 18th July 1598, before Mr Alexander Cheyne, brother of the Laird of Esselmonth, and Walter Leslie in Banff. Gilbert Baird.

Fol. 86, a. William Barclay of Innergellie, for William Hunter, son of William Hunter in Silverdykis, and for William Smyth, his servant, 400 merks each, not to harm Archibald Russell in West Balrymonth, or David Russell in Feddirische, his brother,—William Hunter, elder, becoming surety in relief. Edinburgh, 16th March. Hunter and Smith.

Mr Robert Gairdyne of Blairtoun, for Mr William Ord, burgess of Abirdene, 500 merks, not to harm Mr David Rait, principal, Mr Johnne Chalmer, sub-principal, Mr James Strauchin, Mr Patrick Guthrie, Mr Gilbert Keyth, regents of the Old College of Abirdene, or Mr James Rait, master of the grammar school there. The band, registered by George Abirnethie, advocate, and written by Mr William Ord, is subscribed at Abirdene 12th March before George Middeltoun in Old Abirdene, Gawin Cruikschank, servitor to the said Mr Robert, and Johne Cheyne in Old Abirdene. Mr William Ord.

Fol. 86, b. Uchtrid M^{c}Dowall of Mondork, and Hew Chairterhouse, merchant in Edinburgh, for Agnes Maxwell, Lady Amisfeild, 5000 merks, that, on being Edinburgh, 20th March. Lady Amisfield.

freed furth of her present ward in the castle of Edinburgh, she will remain in the burgh of Edinburgh till relieved by the Council. Acta Caut. 1609-1611.

Edinburgh, 22nd March. William Douglas.

Johnn Padyan, younger of Newtoun, for William Dowglas, eldest son and apparent heir of Sir James Dowglas of Drumlanrig, 3000 merks, not to harm William Dowglas, eldest son and apparent heir of Sir Robert Dowglas of Caschogill.

Scott of Dryhope and sons.

Johnne Lowis of Maneris, for Philip Scot of Dryhoip, 1000 merks, and for Philip and William Scottis, his sons, 500 merks each, not to harm Alexander Cranstoun of Moreistoun. The band, registered by Mr Robert Lermonth, advocate, is subscribed at Dryhoip, 21st March, before Alexander Leggat and Patrick Thairs. Fol. 87, a.

Edinburgh, 26th March. Neil Montgomery and others.

Thomas Nevin of Monkridding, for Neill Montgomerie in Grenefute of Kylwyning, Williame Montgomerie in Kilwynneing, Hew Montgomerie, officer there, and Robert Boyd in Byris of Kilwynning, £100 each, not to reset Neill Montgomrie in Little Comray, denounced rebel by Robert Boyd of Badinhath for non-payment to him of the fermes and duties of the isle of Little Comray; also, the said principals for the said surety, 300 merks, to the same effect. The band, registered by Laurence Scot, advocate, and written by the said Thomas Nevin, is subscribed at Kilwynning, 20th March, before Hew Montgomerie of Smythestoun, Mr Alexander Wreittoun, schoolmaster of Kilwynning, and Josua Drummond there, and at Irwene before Alexander Montgomrie, notary and burgess there, Hew Montgomrie, his son, and Laurence Scot,—John Neilsone subscribing for Neill Montgomrie in Grenefute and Robert Boyd. Fol. 87, b.

Edinburgh, 29th March. William Young.

William Young, "meilman" in Edinburgh, as principal, and Johnne Carmichaell, merchant there, as surety for him, 1000 merks, not to harm David Hodge, maltman there. Fol. 88, a.

Edinburgh, 29th March. Sir Robert Scott.

Robert Scot of Eidschaw, and Walter Scott, fiar of Quhitsled, for Sir Robert Scot of Thirllstane, 5000 merks, to keep the King's peace, and not to harm or trouble Walter Scott of Tuschelaw, or Robert and James Scottis, his sons. Fol. 88, b.

Robert and Walter Scott.

Walter Scott, fiar of Quhitesled, for Robert Scot of Eidschaw, 2000 merks, *et vice versa* £1000, to keep the King's peace, and not to harm or trouble Walter Scot of Tuschelaw, or Robert and James Scottis, his sons.

John Scott and others.

Johnne Scot of Hundillishoip, for Johnne Scot of Newburgh, 1000 merks, and the Laird of Newburgh for the Laird of Hundillishoip, 1000 merks, and for Arthour Scott, brother of the Laird of Newburgh, 500 merks, to the same effect. Fol. 89, a.

Robert Scott.

Robert Scot of Eidschaw, for Robert Scot of Well, 1000 merks, also to the same effect. Fol. 89, b.

Sir James Douglas.

Andro Rorysone of Bardannoch, for Sir James Dowglas of Drumlangrig, £1000, not to harm William Dowglas, apparent of Cashogill.

Stewart and Scott.

Robert Scot of Well, for Alexander Stewart, son of James Stewart, sometime of Tynneis, and for William Scott, brother of the late Robert Scott of Huntlie, 1000 merks each, to keep good rule in the country, Fol. 90, a.

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and not to harm or trouble Walter Scot of Tuschelaw, or Robert Scot and James Scot, his sons.

Robert Scot of Eidschaw, for Walter Scot, his brother, and Walter Scot, fiar of Quhiteslaid, for Symon Scott, son of the late William Scot, who was brother of Sir Robert Scot of Thirlstane, 1000 merks each, to the same effect. Walter and Simon Scott.

Fol. 90, b. Johnne Dowglas, fiar of Killivarrene, for Sir James Dowglas of Drumlangrig, £1000, and for William Dowglas, apparent of Drumlangrig, 1000 merks, not to harm Robert Johnnstoun, called of Curans, or Johnne Johnnstoun, his brother. Sir James Douglas and son.

Sir Robert Scott of Thirlstane, for Robert Jardane, his servant, Alie Batie, son of the Goodman of Blakesk, Johnne Scott in Ettrikhouse, Willie Batie, son of the Goodman of Blakesk, Adam Langlandis, servitor to the said Sir Robert, Williame Scott of Boirhiil, Walter Scott in Craik, Thomas Scott of Hundillishoip, Williame Scott of Huntlie, James Scott of Boirhill, Williame Scott, called of Hundillishoip, Peter Scott, son natural of the said Laird of Thirlstane, to keep the King's peace, and not to harm or trouble Walter Scott of Tushielaw, or Robert and James Scottis, his sons, under the pain of 5000 merks. Robert Jardine and others.

Fol. 91, a. George Drummond, brother of Johnne Drummond of Blair, consigns for Captain Patrik Hering, in the hands of James Prymrois, clerk of Council, the sums of money under-written, for delivery to Mr Robert Oliphant, brother of George Oliphant of Bachiltoun, as the prices of the articles after-specified, contained in an inventory of the mayor of Canterberry, and taken by the said Captain from the said Mr Robert: viz., £48 for the price of 8 angels, £10 for the price of two half rose nobles, £8 for the price of a double pistolet, £10 for the price of two French crowns and a half, £6 for the price of an albertus angel, £6 for the price of two English crowns, £84 18s. Scots for the price of £7, 1s. 6d. English money, £8, 2s. for the price of three Netherland dollars at 54s. the piece, 26s. 8d. for the price of a piece of silver called "ane ryell of four," and 40s. for the price of two "kardequis,"—extending in all to £184, 6s. 8d. Farther, Sir David Hering of Lethentie obliges himself in £200 that the said Captain shall deliver to Mr Robert Oliphant, besides the sums above-written, a Turkish piece of gold, two gold rings and a loose stone belonging to one of them, seven coins of silver, two purses, "ane maill and tua budgettis," also specified in the said inventory, or else the prices thereof. Captain Patrick Hering.

Fol. 91, b, and 92, a. Robert Scott, eldest son now in life and apparent heir of Walter Scot of Tuschelaw, for his said father, 5000 merks, not to harm Sir Robert Scott of Thirlestane, his bairns, tenants or servants, or Robert Scot of Eidschaw; also to find by 13th April next caution for the indemnity of the said two persons. Edinburgh, 31st March. Walter Scott.

Fol. 92, b. Mathew Barnis, merchant, burgess of Edinburgh, for Johnne Good in Cumnok, £200, not to harm Johnne Gemmill, notary in Cumnok, or Andro, Patrik, Hew, and Williame Gemmillis, his sons,—George Good in John Good.

Crawfurdjohnne becoming surety in relief, and consigning in the bands of James Prymrois, clerk of Council, 100 merks for delivery to the said Johnne Gemmill and his sons as the fine imposed on Good for hurting and wounding them. Ac ta Caut. 1609-1611.

Edinburgh, 3rd April. John MacMoran.

James Tailfeir of Strancleuch for Johne M°Morrane of Glaspen, 200 merks, and the said Johne for Robert Tailyefeir in Stanyhill, Johne Winsoun in Lainglay, Johne Flecht in Burnefute, Charlis Douglen in Stanyhill, and Alexander Williamsoun in Hoaneheid, £100 each, not to reset or intercommune with Johne Weir in Over Quhytcleuch, Mungo Weir, his brother, Petir Weir in Goit, or Margaret Weir in Bagra, while remaining at the horn to which they had been put for the slaughter of Johne Hammiltoun, merchant, burgess of Edinburgh.

Thomas Weir and others.

James Tailyefeir of Strancleuch, for Thomas Weir of Charune, William Auchinlek in Glenbaith, William M°Call in Boighous, and Marioun Tailyefeir in Bagra, and Johnne Allaster, waulker in Edinburgh, for Johne Tailyefeir in Liscleuch, £400 each, to the same effect. Fol. 93, a.

William Weir and others.

James Tailyefeir of Abingtoun, for William Weir in Charune, James Weir in Bagra, and Johne Colthird in Glentewing, £100 each, and the said William Weir for the said Tailyefeir, 200 merks, also to the same effect.

James Telfer.

Johnne M°Morrane of Glaspen, for James Tailyefeir of Strancleuch, 200 merks, also to the same effect. Fol. 93, b.

John Kirkhope.

William Weir in Charhoune, for Johne Kirkop in Walterheid and Waltir Turnbull in Snair, £100 each, also to the same effect.

Edinburgh, 5th April. James Alexander.

James Hair in Burncreukis, for James Alexander in Birkcleuch, £100, also to the same effect. Fol. 94, a.

Edinburgh. 7th April. George Whyte and others.

George Quhyte in the Elie, as principal, and James Grinla, tailor, burgess of Edinburgh, as surety for him, and both for David Quhyte in Kilcuquhar, and Allane Quhyte, his brother, 300 merks each, not to harm William Jamesoun in the town of Largo, Henry Johnstoun there, or Symon Johnnstoun there.

Scott of Tushielaw.

Robert Ellott of Reidheuch, and Robert Scot of Hardwodmyris, for Walter Scot of Tuschelaw, 5000 merks, to keep good rule in the country, and not to harm or trouble Sir Robert Scot of Thirlestane, or Robert Scot of Eidschaw. The band, registered by Mr Thomas Rollok, advocate, is subscribed at Windingtounrig and Tuschelaw, 3rd and 6th April, before Robert Ellot of Dyneliebyris, Gilbert Ellot, his brother, James Scot, son of the principal, James Dalgleishe, servitor to the said principal, Johnne Scot of the Willeis, Walter Scot, son of Robert Scot, apparent of Tuschelaw.—Johne Allane and George Wod, notaries, subscribing for the princpal. Fol. 94, b, and 95, a.

Edinburgh, 10th April. Angus MacIntosh Williamson of Termet.

Donald M°Quene of Corriebroich, for Angus Williamsoun of Termett, £1000, not to harm Alexander Cuthbert, burgess of Invernes; also to pay to the Treasurer £100 in case it be found that he ought to do so. The band, registered by Johne Belschis, advocate, and written by Hew Ros, his servitor, is subscribed at Invernes, 31st March, before Lauchlane Fol. 95, b.

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M^cIntosche, apparent of Termett, Allan M^cIntosche in Mekle Davie, Mr Johne Ros, burgess of Invernes, and Alexander Duff, notary, common clerk of Invernes.

Fol. 96, a. Thomas Roucheheid, merchant in Edinburgh, for George Home, bailie of Duns, 1000 merks, not to harm George, Earl of Dunbar, or Patrik Foirman, his tenant, or any other of the said Earl's men. Edinburgh, 13th April. George Home.

Fol. 96, b. Hew Charterhous, merchant in Edinburgh, for Archibald Douglas of Carronhill, 1000 merks, not to harm Johnne and Thomas Padyanes, sons of Roger Padyan of Newtoun, or Petir Dowglas in Drumkork. Edinburgh, 14th April. Alexander Douglas.

William Dowglas, fiar of Cashogill, for Sir Robert Dowglas of Cashogill, his father, £1000, not to harm Arthour Blak, messenger. The band, registered by James King, advocate, and written by Symone Purdie, notary public, is subscribed at Cashogill, 16th April, before Johnne Dowglas, tacksman of Durrisdeir, William Dowglas, brother of Hew Dowglas of Dalveine, and Johnne Thomsone, schoolmaster in Cashogill. Edinburgh, 18th April. Sir Robert Douglas.

Fol. 97, a. Sir Robert Dowglas of Cashogill, for William Dowglas, fiar of Cashogill, £1000, for Hew Dowglas of Dalvein, 1000 merks, and for Robert Dowglas of Collynnie, the said Sir Robert's son, and Thomas Dowglas in Dalvein, £500 each, not to harm Arthour Blak, messenger. The band is registered, etc., as above. William Douglas and others.

Fol. 97, b. Hew Charteris, merchant in Edinburgh, for Archibald Dowglas of Carronehill, 1000 merks, and for William Dowglas, his brother, £500, to the same effect. Edinburgh, 19th April. Archibald and William Douglas.

Fol. 98, a. Johnne Hendersone, maltman, burgess of Edinburgh, for George Sleyscheour, weaver in the Pleasance, 500 merks, not to harm Patrik Gardiner, and his colleagues, weavers in Edinburgh, before mentioned (*ante*, p. 710),—the said principal, Gilbert Kirkland, weaver, and David Brodie, beltmaker, in Edinburgh, becoming sureties in relief. Edinburgh, 20th April. George Slesser.

Fol. 98, b. Alexander Broun, merchant in Edinburgh, for James Sydserff, merchant there, to pay to his Majesty's customers £33, 6s. 8d., for the custom of 50lb. weight of silk "pasmentis" imported by him from England. Edinburgh, 25th April. James Sydserff.

Johnne Creichtoun of Crawfurdstoun, for Johnne M^cCall in Glenjane, 400 merks, not to harm Johnne Fergusoun in Corrochdow. The band, registered by George Abernathie, advocate, and written by Robert Phillope, notary public, is subscribed at Dunreggane, 23rd April, before Andro Rorisone of Bardannoche, James Creichtoun, apparent of Crawfurdstoun, Johnne Edzer of Inglistoun, Henry Greir in Cauldsyd, and Robert Phillope and Johnne Rig, notaries,—the said notaries subscribing for the principal. John MacCall.

Fol. 99, a. Thomas Aikman, burgess of Aberbrothok, for Johnne Allan, skinner, and Thomas Allane, burgesses there, not to harm Williame Schakort, skipper there, conform to the charge, of date at Edinburgh 22nd January last, given to them by Patrik Lyell, messenger. The band is subscribed at Aberbrothok, 25th April, before Mr Henry Philip, minister at Arbroth, Thomas Persone and David Auchterlony, bailies thereof, Edinburgh, 28th April. John and Thomas Allan.

Mr Alexander Persone, common clerk of the same, and Patrik McKisoun there, writer hereof. Acta Caut. 1609–1611.

Edinburgh, 30th April. Douglas and Charteris.

Archibald Dowglas of Carronehill obliges himself to relieve Hew Charteris, merchant in Edinburgh, of his caution for him and William Dowglas, his brother, for the indemnity of Arthour Blak, messenger, conform to the act of 19th April last. Fol. 99, b.

Edinburgh, 3rd May. Oliphant and Hering.

George Oliphant of Bachiltoun, assignee to Mr Robert Oliphant, his brother, acknowledges having received from James Prymrois, clerk of Council, £184, 6s. 8d., consigned in the said clerk's hands by Captain Patrik Hering for delivery to the said Mr Robert as the prices of the articles specified in the Act of 29th March last (*ante*, p. 725), the letter of assignation being dated 24th June last. Accordingly, Prymrois is exonered of the same. The discharge, written by Laurence Keir, servitor to Prymrois, is subscribed at Edinburgh 3rd May before Johnne Ower, "my servand," Gabriell Forrester, messenger, and the said Keir. Fol. 100, a.

Edinburgh, 8th May. Pearson and Ochterlony.

Thomas Aikman and George Liddell, burgesses of Aberbrothok, for Thomas Persone and David Auchterlony, bailies there, £2000, not to harm William Schakart, burgess there. The band, registered by Mr Johnne Skrogie, advocate, is subscribed at Aberbrothok, 5th May, before Mr Henry Philp, minister of Aberbrothok, Patrik Wod, Robert Stewart there, and Mr Alexander Persone, common clerk of the said town. Fol. 100, b.

Edinburgh, 10th May. Captain Knightson.

James Neving in Leyth, for Captain Thomas Knyghtsoun, that the five chalders of victual alleged to pertain to the said Captain, and intromitted with by William Sincler of Athy as victual alleged to belong to Patrik, Earl of Orknay, and now by decree of the Council ordained to be redelivered to the said Captain, shall be furthcoming to Sincler according to law. Fol. 101, a.

Edinburgh, 17th May. John Ramsay.

Johnne Ramsay of Quhytehill, as principal, and Cuthbert Elphingstoun of Henderstoun, and James Borthuik of Newbyris, as sureties, £1000, to keep the King's peace and not to harm or trouble Jonas Hammyltoun of Quotquot, or Alexander Hammyltoun, his brother.

Jonas Hamilton.

Johnne Geddes, portioner of Kirkurde, and William Weitche, portioner of Blaith, for Jonas Hammyltoun of Quotquot, £1000, and his brother Alexander, not to harm or molest Johnne Ramsay of Quhytehillis. Fol. 101, b.

Hew and Janet Crawford.

James Stirling, merchant in Glasgow, for Hew Craufurd, younger of Cloburhill, 1000 merks, and for Jonet Craufurd, his sister, relict of Johnne Sommervell, younger, burgess of Renfrew, 500 merks, not to harm Adam Sommervell, burgess of Renfrew. The band, registered by Mr William Hay, advocate, and written by Mr Johnne Huchesoun, servitor to George Huchesoun, notary in Glasgow, is subscribed at Glasgow 15th May before William Semple, son of the late Robert Semple, vicar of Erskin, Johne Birkmyre, his sister's son, Archibald Moir, merchant, burgess of Glasgow, Johnne Batie, merchant, burgess thereof, and the said writer hereof. Fol. 102, a.

Edinburgh, 19th May. John Mortimer.

George Sincler of Dunbaith, for Johnne Mortymer, called Johnne the

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Baron, 500 merks, to answer before the Council on 21st June next to the complaint of Sir Thomas Hammyltoun for his Majesty's interest, of Alexander Irwing of Drum, and of Mr Robert Irwing of Montcoffer, for his alleged invading of the said Mr Robert at the kirk-style of Aberdene, and for searching for Alexander and Robert Irwingis, two young boys, sons of the Laird of Drum, in the grammar school of Aberdene, and for presenting of "bend" pistolets at the master thereof; also to answer the complaint of the said Lord Advocate and Johne Irwing of Pitmurchie for lying in wait for the said Johne at the Kirk of Belhelweis of purpose to slay him.

Fol. 102, b. Johnne Anislie, chirurgeon, burgess of Jedburgh, as principal, and Johnne Anislie, called the Good Man, burgess there, as surety for him, £500, not to harm Johnne Douglas, servitor to William, Earl of Angus. John Ainslie.

Fol. 103, a. Johnne Johnstoun of Mostoun, for Alexander Forbes of Toweis (Tolles), 1000 merks, not to harm Patrik Mortymer. The band, registered by Mr Robert Boyd, advocate, and written by Lues Sommervell, servitor to my Lord Elphingstoun, is subscribed at Kildrymie, 13th May, before Alexander, Lord Elphingstoun, Thomas Urquhart of Cromartie, and the said Lues. Edinburgh, 25th May. Forbes of Towies.

Fol. 103, b. George, Earl of Caithnes, for Henry Sincler of Burrowstoun, his brother, £500, and for Alexander Bayne in Thrumster, Richart Sincler in Charitie, Patrik Halie in Thurso, and Johne Sincler of Ratire, 300 merks each, to appear before the Council on 21st June next,—the said Henry to answer to the complaint of George Sincler of Dunbeth and his Majesty's advocate for carrying hagbuts and pistolets, coming with convocation of the lieges to the said Laird of Dunbeth's lands of Soundsyde when Alexander M°Kie, his servitor, was ploughing, taking and carrying him as prisoner to Castle Sincler, and detaining him therein seven weeks; and the other four persons named to bear witness in the matter of this complaint against the said Henry. Edinburgh, 26th May. Henry Sinclair and others.

Fol. 104, a. Johnne Innes of Thursetter, for George Innes in Skaill, 500 merks, to answer before the Council on 21st June next to the same complaint as that just made against Henry Sincler of Burrowstoun. George Innes.

Daniell Cathcart of Drymsmoddan, for David Crawford, bailie of Air, 500 merks, to answer before the Council on 5th July next to the complaint of David Fergushill, burgess there, touching certain points of oppression committed on him; also to pay to the Treasurer £40 for his escheat goods. Edinburgh, 28th May. David Crawford.

Fol. 104, b. Johnne Campbell of Cunziecleugh, for David Crawfurd, burgess of Air, 2000 merks, not to harm David Fergushill and James Johnnstoun, burgesses there; also to pay to the Treasurer £40 for his escheat goods. Edinburgh, 29th May. David Crawford.

Fol. 105, a. George Purves, merchant in Leyth, for Robert Porteous in Newbotle, now ready to sail in a barque of Prestoun, whereof William Thomsoun in Prestounpannis is master, to the fishing in Yetland, not to transport in Edinburgh, 30th May. Robert Porteous.

this voyage passengers, victual, or armour to Orknay and Yetland to be sold or given by him to any of the inhabitants thereof, except such victual and armour as will be necessary for the use of the said barque, under the pain of 500 merks. Acta Caut. 1609-1611.

Edinburgh, 31st May. Semple and Montgomery.

James Hammyltoun of Garrane, for James Semple and Ezetchiell Montgomrie, servitors to Hew, Lord Semple, 500 merks each, to answer before the Council on 28th June next to the complaint of Johnne Flemyng in Ardochrig for taking him and detaining him in prison.

David Shanks.

Sir Johnne Arnot of Berswick, for David Schank, master of the ship or barque called "The Thomas of Dysart," 500 merks, not to transport any victual, writs, armour, or passengers to Orknay and Yetland, except so much furnishing as will serve for his own use in this voyage only. Fol. 105, b.

Semple and Montgomery.

Ezetchiell Montgomerie, servitor to Hew, Lord Semple, for James Semple, also servitor to the said Lord, and the said James for the said Ezetchiell, 1000 merks each, not to harm Johnne Fleming in Ardochrig.

Mr John Campbell.

Johnne Buchannan of that Ilk, for Mr Johnne Campbell, minister at Lus, £1000, to appear before the Council when he shall be lawfully charged.

Edinburgh, 5th June. John Sinclair.

William Sincler in Leyth, for Johnne Sincler in Kirkwall, master of the ship or barque called "Godis Send," who, with James Aikin, Thomas Bakie, Johnne Bakie, Archibald Rendall, Alexander Reid, and James Bakie, all indwellers in Kirkwall, as passengers, is at present bound in the said ship to Orknay, not to transport in this voyage any victual, letters, armour, or other passengers than those above named, to Orknay or Yetland, except so much of the said furnishings as shall serve for their own use only, under the pain of 500 merks. Fol. 106, a.

James Sanderson.

William Sincler in Leyth, for James Sandersone, master of the ship or barque called "The James," who, with Oliver Good and Thomas M^{c}Cullane, indwellers in Kirkwall, Captain Thomas Knychtsone, and George Sandersone, indwellers in within Zetland, are presently bound to Orknay and Zetland, to the effect foresaid, under the pain of 500 merks,

Edinburgh, 6th June. Patrick Hepburn.

Patrik Hepburne in Newmylnis, as principal, and Robert Young, merchant, burgess of Haddintoun, as cautioner for him, that he will not within 24 hours after the date hereof demolish the "ark biggit" by him at his mills called the Newmylnis, and in time coming will not slay any fish in the water of Tyne by "arkis, pockis, teillis, or hammill nettis and hairrywateris," under the pain of £200 toties quoties. Fol. 106, b.

Edinburgh, 7th June. William Meldrum.

Adame Menzeis of Enoch, for William Meldrum of Badinscot, 500 merks, to answer before the Council on 14th June for "the contempt allegit done be him aganis God and his Majesteis lawis" by his underlying the sentence of excommunication pronounced against him by the presbytery of Turreffe for his not conforming himself to the religion presently professed within this kingdom; also to pay to the Treasurer £20 for his escheat goods with 40 days hereof.

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Johnne Watsoun, portioner of Sauchtounhall, Mary Aikman in Brome- house, and James Wilkye in Sauchtounhall, for Johnne Broun in Gorgye-mill, 3000 merks, to finish the bridge at Dalzell's Mill, and repair the bridge called the New Brig, within three years, counting from 22nd February last. John Brown.

James Inglis, merchant in Edinburgh, for Magnus Loutfoote, master of the ship called "The Lyoun of Leyth," now bound to the fishing in Orknay and Zetland, not in this voyage to transport victual, writs, armour, or passengers to the said countries, except so much as will serve for the use of the said ship only, under pain of 500 merks. Magnus Loutfoot.

William Sinclair of Ethay consigns in the hands of James Prymrois, clerk of Council, £3, 15s. as the price of each of 43 bolls victual, extending in all to £161, 5s., for delivery to Captain Thomas Knychtsoun, conform to the letters of horning executed against Sinclair by the said captain. William Sinclair.

Fol. 107, b.

Williame Dick, merchant, burgess of Edinburgh, for Andro Hay, master of the barque called "The Gift of God of Petirheid," 500 merks, to the same effect as in the Act immediately preceding the last. Andrew Hay.

James Sommervell of Spittell, for George Weir, fiar of Blakwod and George Weir of Stanebyris, 500 merks each, and for Walter Weir in Blackwodyairdis, £100, to answer before the Council on 19th July next to the complaint of Sir Thomas Hammyltoun of Bynnie for his Majesty's interest, and of Mr James Durahame of Duntarvie, for pursuing the said James with hagbuts and pistolets and besieging him in his house of Wodhead; also to pay to the Treasurer the sums following,—viz. the first two principals 100 merks each, and the other principal £20. George Weir and others.

Fol. 108, a.

William M°Moran in Edinburgh, for James M°Morane in Schawheid, £100, not to reset Johnne Weir in Quhytecleugh, Mungo Weir, his brother, Petir Weir in Gott, or Margaret Weir in Balgray, while they remain at the horn for the slaughter of Hammyltoun, merchant in Edinburgh. James MacMoran.

David Fergushill, burgess of Air, for James Johnnstoun, burgess there, not to harm David Crawfurd, burgess there, under the pains in the King's letters. The band, registered by Mr Umphra Blinschell, advocate, and written by George Masoun, notary, is subscribed at Air, 9th June, before Johne Osburne, dean of guild of Air, George Watt, merchant, burgess there, and the said writer hereof. James Johnstone.

Fol. 108, b.

William Douglas, fiar of Bonejedwart, as principal, and Johnne Anislie, chirurgeon, burgess of Jedburgh, 1000 merks, not to harm Mr William Weir, minister at Suddane Kirk. Edinburgh, 13th June. William Douglas.

Fol. 109, a.

James Johnnstoun, burgess of Air, for David Fergushill, burgess there, not to harm David Crawfurd, burgess there, under the pains in the King's letters. The band, registered by Mr Umphra Blinschell, advocate, and written by George Masoun, notary, is subscribed at Air, 9th June, before Johnne Osburn, George Wat, and said George Masoun. David Fergushill.

Fol. 109, b.

Robert Monteith of Eglischaw, and Patrik Ros, burgess of Aberdene, for Gilbert Brady.

Gilbert Bradie, skipper of the barque in Petirheid called "The Pelicane," who, with the said Patrik Ros and Laurence Sincler of Burgh in Zetland, is bound to the fishing in Orknay and Zetland, not to transport on this voyage any victual, letters, armour, or passengers other than the said two persons, except what shall serve for their own use in this voyage only, under the pain of 500 merks. Acta Caut. 1609-1611.

Edinburgh, 18th June. Mr Alexander Campbell and Mr John Young.

Bryce Blair of that Ilk, for Mr Alexander Campbell, minister at Stevinstoun, and Mr Johnne Young, minister at Beith, 500 merks each, to remain within the bounds of the said parishes till relieved, and to appear before the Council when charged, conform to an act of Council passed on their supplication on 14th June instant within the burgh of Stirling. The band, registered by Laurence Scot, advocate, and written by Mr Johnne Huchesoun, servitor to Johnne Huchesoun, notary in Glasgow, is subscribed at Glasgow, 15th June, before Hew Blair, notary in Glasgow, Mr Gawin Blair, brother of the said Bryce, Hew Semple of Craigbait, and Mr Johnne Huchesoun, writer. Fol. 110, a.

Edinburgh, 20th June. Robert Good.

Johnne Mure of Hallowchappell, for Robert Good in Barschairhill, 200 merks, to appear as witness before the Council, on 12th July next, in the action pursued by Johnne Gemmill, notary in Cumnok, and Hew, Andro, and Patrik Gemmillis, his sons, against Johnne Good in Cumnok and certain others for wounding the said Johnne Gemmill and his sons. Fol. 110, b.

Edinburgh, 22nd June. James Irving.

Johnne Cranstoun of Glenwarrane, for James Irwing of Cleugheidis, 500 merks, to answer before the Council on 19th July next to a complaint of Johnne Haliday, son of Adame Haliday in Lure, for wounding the said Johnne; also to pay to the Treasurer £40 for his escheat goods.

Edinburgh, 23rd June. George MacMoran.

Quintene Broadfoote, merchant, burgess of Edinburgh, for George M^cMorrane in Nether Mark, £100, not to reset Johnne, Mungo, or Petir and Margaret Weiris, who are at the horn for the slaughter of Johnne Hammyltoun, merchant of Edinburgh. Fol. 111, a.

William Crawford.

Alexander Stewart of Clary, for William Crawfurd, brother of the Laird of Lefnoreis, 5000 merks, that, on being freed from his present ward in the tolbooth of Edinburgh, he will enter in ward in the castle of Blakness,—Andro, Lord Stewart of Uchiltree, Robert Stewart in Darnetager, and Mr Mathew Crawfurd, brother of the Laird of Lefnoreis, becoming sureties in relief.

John Johnstone and others.

Mr Gilbert Annand of Colliehill, for Johnne Johnnstoun in Innerurie, William Johnnestoun, his son, William Johnnstoun, his brother, William Johnnstoun, *alias* Rob's Will, and William Fergus in Innerurie, 200 merks each, to answer before the Council on 26th July next to the complaint of Johnne Mortimer, burgess of Aberdene, for their alleged pursuing him with hagbuts and pistolets for his life; also to pay to the Treasurer 40 merks each for their escheat goods. The Treasurer-depute and Sir Thomas Hammyltoun are ordained to be warned to answer at the said diet for his Majesty's interest. Fol. 111, b.

Edinburgh, 27th June. John Douglas.

Johnne Douglas in Wadeistoundillis, as principal, and William Douglas of Aschetreis, as surety, £500, not to harm Johnne Anislie,

cta Caut. 509–1611.

chirurgeon, burgess of Jedburgh; also to pay to the Treasurer 40 merks for his escheat goods.

ol. 112, a.

Gilbert Grier of Auchingabert, for James Grier, his brother, 500 merks, not to harm Johnne M^cKaig in Mylnetoun, or Johnne M^cKaig, his son; also to appear before the Council when charged. Edinburgh, 29th June. James Grier.

ol. 112, b.

David Dunbar of Daldurk, for Johnne Aslowan in Benstoun, 500 merks, to appear before the Council when charged. John Asloan.

Robert Stewart of Robertoun, for James Hatrik, officer to the Laird of Leifnoreis, 200 merks, to answer before the Council when charged. James Hatrick.

THE ISLES.

A.D. 1607–1610.

THE ISLES.

A.D. 1607–1610.

"Proclamatioun anent the Yllis." Same as appears in Council minutes of this date, *ante*, pp. 59–61, entitled "Proclamation for co-operation of Scottish fencibles," &c. Edinburgh, 10th March 1608. Anent the Isles.

Proclamation against the reset of rebellious Islesmen on the Mainland. —See *ante*, p. 61.

Proclamation for proroguing the Expedition to the Isles.—See *ante*, p. 72. Edinburgh, 12th April 1608.

Power and commission given to Andro, bishop of the Isles, Andro, Lord Steuart of Uchiltree, and Sir James Hay, Lord of Bewlie, Comptroller, to confer with M^c^Coneill of Dunivaig and M^c^Clayne of Dowart.—See *ante*, p. 73. Edinburgh, 14th April 1608.

Instructions to the above-named Commissioners as to what they shall propone to M^c^Coneill and M^c^Clayne "for the obedyence of thame and thair clanis." Instructions for dealing with the Lairds of Dunyvaig and Duart.

(1) To propone to M^c^Coneill and M^c^Clayne that they shall find caution for payment of the Kings rents; (2) that they and their followers shall be answerable to the laws; (3) that they shall deliver to his Majesty all their houses of defence and "crannakis" in the Isles; (4) that they shall renounce all jurisdiction hitherto usurped by them over the King's subjects, and shall live in future as private persons, obedient to the ordinary sheriffs, bailies, justices, and other ministers of the law; (5) that they shall content themselves with such lands as his Majesty shall design, and under such form as he shall appoint; (6) that they shall destroy their "birlingis, limfadis and galleyis," reserving only such as shall be necessary for transporting his Majesty's dues and for other necessary uses; (7) "that thay and thair freindis, at leist sa mony of thame as ar or salbe found of abilitie, sall putt thair bairnis and childrene to the scoolis as the Counsell sall appoynt"; (8) that they shall forbear wearing any kind of armour (specially guns, bows, and two-handed swords) except only one-handed swords and targes.

Order to charge Angus M^c^Coneill of Dunnyvaig and his son to deliver the Castle of Dunnyvaig to the executioner of the charge.—See *ante*, p. 73. Order to Angus McConeill.

New proclamation of Expedition to the Isles, adjourning the muster to 24th July at Trouternes.—See *ante*, p. 95. Edinburgh, 21st May 1608.

Order for arrest of ships for transport of forces to the Isles.—See *ante*, p. 94. Again anent the Isles.

Edinburgh, 24th May 1608.

Sederunt:—Chancellor, Abircorne, Lotheane, Uchiltrie, President, Scone, Haliruidhous, Bishop of the Isles, Comptroller, Advocate, Collector.[1] The Isles. 1608-1623. Page 9.

Instructions to the Bishop of the Isles as to what he is to inquire of his Majesty anent the Isles.

"Instructionis to Andro, Bishop of the Yllis, anent the propositionis to be moved be him to the Kingis most excellent Majestie concerning the present expeditioun to the Yllis":—

(1) To inquire of his Majesty whom he will nominate to be Lieutenant in this service, and to explain that the Council think that whole charge should be laid on one person; (2) who shall be the Lieutenant's Council; (3) whether the Lieutenant shall have power to receive any of the Islesmen to peace, and on what conditions; (4) what order shall be taken with the strongholds in the Isles,—which shall be kept and which demolished; (5) "what sall be done with Sir James M°Coneill, quho hes so lang lyne in the irnis, and with M°Cleud of the Lewis, who so lang hes lyne in the tolbuith of Edinburgh."

Arrangements for the expedition to the Isles.

The Lords of Secret Council find meet (1) that the first meeting of the forces for Yla shall be at Yla on 1st July next and of those for the North Isles at Trouternes on 21st July; (2) that 500 men under wages be lifted for the guard of the Lieutenant, and that they be paid 10,000 merks for their monthly pay and transport. James, Lord of Bewlie, comptroller, offers to advance one half of the first month's pay, extending to 5000 merks, by 20th June next, and Sir Johnne Arnott, treasurer depute, the other half, by the said day. The second month's pay shall be advanced by 10th July next. Page 10.

Edinburgh, 7th June 1608.

Sederunt—Chancellor; Abircorne; Lotheane; Uchiltrie; President; Scone; Haliruidous; Collector; Balvaird; Sir Alexander Drummond; Sir Johnne Arnott.[2]

Licences for remaining from the expedition to the Isles.

Mark, Earl of Lotheane, James, Lord of Balmerinoch, David, Lord of Scone, Walter, Lord Blantyr, Johnne, Lord of Haliruidhous, James, Lord of Bewlie, comptroller, Sir Thomas Hammiltoun of Bynnie, advocate, Mr Johnne Prestoun of Pennycooke, collector, and Sir Johnne Arnott, treasurer depute, or any three of them, the comptroller and treasurer-depute being always present, are appointed commissioners for granting compositions to such as shall crave the same for remaining from the present expedition to the Isles,—the sums so received to be used for paying the wages of the men of war, and the superplus to be kept for the service of the Isles. James Prymrois is ordained to keep a register of all the licences so granted, inserting therein the compositions; and no licence shall be effectual unless it be registered and signeted. The Lieutenant may exempt from this service so many inhabitants within the bounds of Wigtoun, Air, Renfrew, Dunbartane, Kirkcudbricht, Kyle, Carrik, and Cunynghame, to burgh and land, as shall agree with him for reasonable

[1] This sederunt on the business of the Isles is much smaller than that at the general Council meeting of the same day, as given p. 95 *ante*.

[2] Again only a selection of those recorded as having been present at the general meeting on the same day (see *ante*, p. 102).

The Isles. 1608-1623.

numbers of men to be sent by them for this service. No licences shall be granted by the commissioners within the bounds just mentioned. In modifying the compositions of these licences respect shall be had to the rents of the cravers of the same.

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Edinburgh, 21st June 1608. Commission of Lieutenancy to Lord Ochiltree over the South and North Isles.

The Lords of Secret Council ordain a commission to be expede conform to his Majesty's letter received by them and this day read, whereby he has made choice of the Lord Uchiltrie to be his Lieutenant in the North and South Isles. Follows a copy of the letter, dated Greenwich, 14th June 1608 :—"Richt trustie and weilbelovit cosines and counsellouris, we greete you wele. We haif ressaved your letter by the Bischop of the Yllis; whome we haif hard at grite lenth concerning all the pointis of his instructionis [*ante*, p. 738]. And, as for the Lieutennent who is to be named to haif the charge of oure forceis whilkis go for the South and North Yllis, we haif maid speciall choise of the Lord Uchiltrie as one fittest for that service; and thairfoir we will you to authorize him with ample commissioun of lieutennandrie and justiciarie within those boundis induring

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oure pleasour. And, to the intent that our said Lieutennent may proceid the moir warlie and circomespectlie in his busynes, oure will is that thair be a Counsell adjonit to him of the most sufficient gentlemen that ar to accompany him (of whome we wald haif you to mak speciall choise); who by thair counsell and advise may assist oure said Lieutennent in the discharge of that his commissioun. Off whiche nomber, as we think the Bischop of the Yllis may be named as cheiffe, so we wald haif one sent by the comptroller of our rentis in that our kingdome; who, being one of that same Counsell, micht the better attend upoun all materis occurring concerning the augmentatioun or paying of our rentis thair. Moirover, it is our pleasour that our said Lieutennent sall heir every one of those Yllismen that will come in to him, and sall encourage thame to oure obedyence and shall [to] submitt thame selffis to goode ordour, appointing thame to repair unto you to understand our full pleasour bothe concerning the conditionis of suirtie for thair obedyence whiche salbe demandit and how far we wilbe pleasit to extend our favour to eache of thame in particulair. Off all whiche you sall frome tyme to tyme undirstand, according as you sall adverteis us of ony of thair offeris or voluntarie submissioun. And, concerning the castellis and houssis of strenth being within those Yllis, our pleasour is that our Lieutennent, by the advise of his Counsell, sall considder what houssis ar fit to be keipit and whiche of thame to be dimolissed; and in suche as salbe thocht fitt to be keepit that our Lieutennent place a competent garisoun, and for all the otheris that he tak present ordour for thair demolitioun. For doing of whiche oure will is that you gif unto him a sufficient warrant. And, because our said Lieutennent is to ressave so muche money oute of our cofferis thair as may levie some companyis of futemen to attend him, and that the Bischop of the Yllis will go thither in persone,—whose rent being so meane as that he may not at his awne chargeis undirgo the furnissing of ony grite nomber,—we haif thairfoir thocht goode that those threttie personis

whome the said Bischop sall take with him, and whome he hes promissed to mak able, weill armed, and fensible men, sall haif pay according to the rate of the uther souldiouris to be uplifted by the said Lieutennent. As concerning the keeping of Sir James M^cConeill and M^cCleud of Lewis, we refer to your consideratioun what is fittest to be done thairin,—willing you always to gif some strict ordour that they may be so keept as thair be no dangeir of eschaip. And so we bid you fairwele. Frome our Courte at Grenewiche the xiiii of Junii 1608."—See *ante*, p. 113.

The Lords, having considered the draft of the Commission of Lieutenancy to Lord Uchiltrie, dated 21st instant, unanimously agree that it be subscribed and expede. Copy of the Commission follows.—See *ante*, pp. 113–114. Page 13.

Edinburgh, 23rd June 1608. Instructions to Lord Ochiltree as to the expedition to the Isles.

The Commission to be delivered to Lord Uchiltrie blank in that part anent the names of his Council. He is required to have a dozen missives without any direction on the back thereof, to be given to such persons as he shall think meet to be his Council. When they accept the office the Lieutenant is ordained to send their names to the Council, that they may be inserted in the principal Commission. The Bishop of the Isles is to have pay for 30 men, who will be comprehended in the number of 500 men allowed to the Lieutenant. The Lieutenant, with advice of the Bishop and his Council, shall place a reasonable number of soldiers in such houses as shall be thought fit to be kept in the Isles. The Lords of Secret Council allow to the Lieutenant for the transport of his soldiers, with their wives and baggage, 2000 merks. There are allowed to the Lieutenant five "ensenyeis" and ten drums for his five Captains; which articles, after the finishing of this service, he shall return to the Treasurer. Page 16.

Edinburgh, 9th July 1608. Orders relating the expedition to the Isles.

No licences shall be granted to any of the inhabitants within the bounds called the Seven Kirks of the Lennox for remaining from this present service. Missive letters are to be written to certain persons within Murray and the shire of Invernes,—particularly, to the Earl of Caithnes, the Laird of Balnagowne, Donald Neilsoun of Assint, M^cKanyee, M^cKy, and the Monrois,—to attend his Majesty's service at Trouternes on 20th August next. The soldiers must furnish themselves with powder and bullet out of their own pay, and not at the King's charges. It is provided, however, that the Lieutenant shall be allowed, for keeping the houses in the Isles, ten stone of powder and ten stone of lead, with "lunt" effeiring thereto, and that this be furnished by the Comptroller and Sir Johnne Arnott, treasurer depute. As the masters and mariners of vessels in the West refuse to serve the Lieutenant in the transport of his forces, and as in this and all other cases his Majesty's service "mon be preferrit to all utheris serviceis, barganes, and imploymentis quhatsomevir," power is given to the Lieutenant to choose such vessels in the west as he shall think fit for this service, and to bargain with the masters thereof upon reasonable conditions for their employment in this service, with power, if they refuse to freight their vessels, to take the same: all magistrates of burghs to concur and assist the Lieutenant herein. Page 17.

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Edinburgh, 1st Sept. 1608. Approbation by the Council of Lord Ochiltree's proposal to send back the English galley as useless for the purposes of his expedition to the Isles.

"The quhilk day the missive letter directit frome the Lord Uchiltrie, Lieutennent, to the Counsell, beiring date the 18 day of August last [see *ante*, pp. 523-525], being red in audience of the Counsell, and the Lordis of Counsaill having hard the relatioun maid be the President anent the ansuer send be him and the Lordis Blantyr and Haliroodhous to the first point of that letter tuicheing the returning bak of the gallay, seing sho wes inutile and servit for no purpois in this kingdome, and wald draw the King to unnecessarie chargeis, the Lordis of Secreit Counsale allowis of the resolutioun tane be the said President, Lordis Blantyr and Halirood-hous, in that mater anent the sending bak of the gallay. Anent the other point of the letter, tuicheing the breking of the lumfadis, gallayis and birlingis upoun the continent, and dimolissing of the houssis and strenthis upoun the continent pertening to the Yllismen, the Lordis ordanis a commissioun to be past to him for breking of all birlingis, lumfadis, and gallayis, and dimolisheing of houssis pertening to unansuerable personis upoun the continent."

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Warrant to Lord Ochiltree for destroying lumfads, galleys, and birlings, on the main-land adjacent to the Isles.

"Forsamekle as it is thocht meite and expedient be the Lordis of Secreit Counsell, for the better furtherance and advancement of his Majesteis service in the Yllis, that Andro, Lord Steuart of Uchiltrie, his Majesteis lieutennent, be advise of his Counsell, sall tak suche ordour for breking and distroying of all lumfadis, gallayis, and birlingis upoun the Continent nixt adjacent to the Yllis, pertening to personis who ar not lauchfull, ansuerable and obedyent subjectis to his Majestie, bot alwayes rebellious, unansuerable and dissobedyent, and for persute, taking, assedgeing, dimolissing and douncasting of the houssis and strenthis upoun the said Continent nixt adjacent to the Yllis pertening to the saidis rebellious, unansuerable and dissobedyent personis, as he hes done or sall do with the houssis, galleys, lumfadis and birlingis within the Yllis;—anent the breking of the quhilkis, galleyis, lumfadis and birlingis, taking, assegeing, keeping and dimolissing of the houssis and strenthis pertening to the saidis rebellious, unansuerable and dissobedient personis, thir presentis salbe unto the said Lieutennent ane sufficient warrand, power, and commissioun."

Edinburgh, 5th Oct. 1608. Lord Ochiltree's personal report.

Lord Ochiltrie's report personally before the Council of his proceedings in the Lieutenancy of the Isles.—See it *ante*, pp. 173-175.

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Minute of the entering by Lord Ochiltree before the Council of certain chieftains of the Isles, and of the order of Council for warding these in several castles.—See *ante*, p. 175.

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Edinburgh, 6th Oct. 1608. Earl of Argyle's letter to the Council anent Allaster MacLeod.

"My verie goode Lordis: It sall pleis your Lordshipis understand that, quhen I come to Striviling with Allaster M°Cleud according to your Lordshipis directioun, and thair finding my Lord of Mar not willing to ressave him, becaus the Kingis pallace is not fitt for wardouris, I, feiring to leave him in ane uncertanetie, hes takin him with me; quhair he salbe assuiredlie unto suche tyme that your Lordshipis sall cite him. Whiche I wald wishe your Lordshipis sould interpreete in good sense; and, hoiping this you will do, as I sall rest your Lordshipis most assured to be commandit, Ergyle: Striviling, 11 October 1608."

The Council's answer to the preceding letter.

"After oure verie hairtlie commendationis to your goode Lordship:— We haif ressaved and considderit your letter contening the refusall of the Erll of Mar to ressave in warde within the castell of Striviling Allester M^cCleud, and your awne desire to haif the keeping of him upoun your promeis to mak him furthcomeand to his Majesteis Counsaill whenever he salbe called for. We haif aggreit to committ him unto your keeping; bot, becaus this is a wechtie mater concerning his Majesteis service and the quieting of the Yllis, we haif thoght meete to foirwarne you that the keeping or eschaiping of the said Allaster will importe unto your Lordship your credite and the heichest parrell and inconvenient that may follow, als wele to the peace and quiet of the cuntrey as to the particulair interesse of pairtyis. And thairfoir these ar to requeist and desyre your Lordship outher to keepe the said Allaster suirlie and to haif him reddy at all tymes to be presentit as your Lordship salbe chargeit to that effect, and as you wilbe ansuerable to his Majestie and his Counsell at your heichest parrell, or then that your Lordship exhibite him befoir the Counsell and exoner and releve your Lordship of him. We doubt not bot the regaird of your Lordshipis awne credite and dangeir will move you to considder of this mater as apperteyneth; and sua, committing your Lordship to Godis protectioun, we rest your Lordshipis very goode freindis: A. Cancellarius, Lotheane, Haliruidhous, J. Cokburne, R. Cokburne, R. Ker." The Isles. 1608-1633. Page 23.

Edinburgh, 6th Nov. 1608. Alexander MacLeod entered before the Council, and committed to ward.

Mr Alexander Colvill, justice depute, and Stirling of Auchyle, appear, and, in name of Archibald, Earl of Ergyle, enter Alexander M^cCleud, brother of Rory M^cCleud of Dunveggane, who had been before delivered to the said Earl in order to be transported by him to his ward in the Castle of Striviling, and whom the keepers of the said Castle had refused to receive in the said ward (compare *ante*, p. 191). The said procurators protest accordingly that the Earl shall be exonered in this matter. The Lords admit the protest, and ordain the said Alexander to be committed to ward in the Tolbooth of Edinburgh.—The minutes for this day are formally signed "J. Prymrois." Page 24.

Edinburgh, 6th February 1609. Royal Commission to certain members of the Privy Council to consult and advise the King as to the best means for assuring the King's peace in the Isles and for planting "religioun and civilitie" therein.

Sederunt—Chancellor; Dunbar; Bishop of Glasgow; Abircorne; Lotheane; Bishop of Ros; Bishop of the Isles; Blantyr; Haliruidhous; Comptroller; Justice Clerk; Advocate; Collector. Page 25.

"The quhilk day the Commissioun and Instructionis undirwrittin, signed by the Kingis most excellent Majestie, being presentit unto the Lordis abonewritten and red in thair audyence, the saidis Lordis acceptit the same Commissioun upoun thame, and promeist to discharge thair dewyties thairin accordinglie. Off the whiche Commissioun and Instructionis the tennour followis:—

"Quhairas the lait entrie of M^cClayne, Donnald Gorme, and certane utheris chiftanis of the Yllismen in warde within some of oure castellis thair gevis now a good oportunitie and fitt occasioun to consult and deliberat upoun the best meanis to assure oure peace, quietnes and obedyence within these boundis, and to plant religioun and civilitie within

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the same: and becaus it wilbe requisite that not onlie these bot all suche other of the Illismen or Heylandis that will come in be hard upoun suche offerris as they will mak for geving unto us full satisfactioun heirin: we haif thairupoun maid speciall choise of you unto whome this mater and the deliberatioun upoun the same is wholie committed, willing you or ony nyne of you,—the Archiebishop of Glasgow, the Bishop of the Yllis, Lord Uchiltrie, and Comptroller being alwayes foure of you,—to convene at suche tymes and placeis convenient as you salbe required thairunto by the said Archiebishop of Glasgu, president of oure exchekquer thair, and to reasoun, advise, consult and deliberat upoun the best, reddiest, and most spedie meanis how that bipast savaigenes and barbaritie whiche hes bene of so long continewance in these boundis may be ruted oute, and that civilitie, oure obedyence, and trew religioun (the onlie meane to preserve bothe), may be planted, and for that effect to heir all such offeris as salbe maid to you, and to considder the same whidder it be expedient that thay sould be accepted, as also of the probabilitie of assureing our obedyence not onlie presentlie bot in tyme heirefter without feare of breache, and to consult and advise upoun whatsoevir you hald fitt and requisite to be moved or debaitit heiranent, or concerning suche instructionis as we haif heirwith sent unto you anent that same mater,—willing you to sett doun your advise and the reasonis of the same in writting, that we may considder and approve or disallow thairof as we think meete, and thairupoun certifie oure forder pleasour, mynd and opinioun in this mater, that so this worke, whiche hes bene hithertillis so endles, to oure grite greif and to the grite trouble of oure goode subjectis thair by reasoun of roadis and taxtis for that same effect, and whiche hes bene also a reprotche to that Estate to haif ony parte of the same inhabited with suche monstrous barbaris, may be once finished, to Godis glorie, oure contentment, and for the weele of the whole kingdome. And, noway doubting of your cair and panes heirin, as we will hald the same for most acceptable service done unto us, these presentis, for your proceding thairin, salbe unto you sufficient warraunt. Gevin at oure Courte at Thetfoorde the sext of December 1608.—To our richt trustie and weilbelovit cosine and counsellour the Erll of Dunfermelyne, Chancellour of our kingdome of Scotland, the richt reverend fader in God oure richt trustie and weilbelovit counsellour the Archiebishop of Glasgu, president of oure exchequer thair, oure right trustie cousines and counsellours the Erllis of Mar, Lynlythgw, Dunbar, Abircorne, and Lotheane, the reverend faders in God the Bishopis of Ross and of the Yllis, oure right trustie and weilbelovit counsellouris the Lordis Uchiltrie, Blantyre, Haliruidhous, and our trustie counsellours Sir James Hay of Kingas, knight, comptroller of oure rentis of that kingdome, Sir Johnne Cockburn of Ormistoun, knight, Justice Clerk, Sir Johnne Skeene of Curriehill, Clerk of Register, Sir Thomas Hammiltoun of Bynnie, knight, oure Advocat, and Mr Johnne Prestoun of Pennycooke, collector."

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"Instructionis to suche of our Commissionaris as ar appointed to

reasoun, advise, and deliberat upoun overturis for the setling of peace and quietnes within the West and North Yllis belonging to our kingdome of Scotland :— The Isles. 1608–1623.

Instructions to the said Lords Commissioners, communicating some of his Majesty's views for settling the Isles, and hinting at the connexion of that business with the proposed new Plantation of Ireland.

"It is to be considderit be you that thair can be no suirtie of ony quietnes and obedyence within those Illis except those pairtis of the continent possest by the Heylandaris which haif bene heirtofoir and may still be feared as receptaclis and placeis of refuge unto Illismen when thay wer persewit be first assured, so that the worke for making of thame obedyent go fordwart and haif the lyke progres with the other for the Illis.

"And for that effect it sal be meete that all suche nobilmen and uther landit gentilmen who hes ony landis lyand upoun that coist of the Continent over aganis the saidis North and West Yllis be chargeit to mak thair compeirance befoir you, and to gif in sufficient assuirance for the quietnes and obedyence of thair boundis, and specialie that no Illismen that ar fugitive and dissobedyent be ony ressett or suppleit within the same. Page 27.

"And, to the effect nane may pretend ignorance of our ayme and drift heirin, you ar to considder the motives induceing us to so grite a desire of the obedience and civilitie of these boundis ;—first, in the cair we haif of the planting of the gospell amang these rude, barbarous, and uncivill people,—the want quhairof these yeiris past no doubt hes bene to the grite hasaird of mony poore soullis being ignorant of thair awne salvatioun ; nixt, oure desire to remove all suche scandalous reprotcheis aganis that state in sufferring a parte of it to be possessed with suche vylde savageis, voyde of Godis feare and our obedyence ; and, heirwith, the losse we haif in not ressaving the dew rentis addebtit to us furth of those Yllis, being of the patrimony of that our crowne.

"Bot, as the last is the meanest of all the motives, so the naiked assuirance of that yeirlie rent wilbe unto us small satisfactioun, thair being just caussis of better hoipis both of gayne and contentment: for, these boundis being fertile of cornis and pastourage of cattell, and the seyis very riche of fisheing, iff townes wer buildit in those boundis, without questioun not onlie thairby civilitie wald be planted, bot oure rentis in the customes and uther casualiteis incressed in a grite sorte. For whiche caus we wald haif it advisit be you in quhat pairtis ony goode townes, with commoditeis of good harboryis and sey portis, micht be placed, that so we micht furder and advance the peopling of the same, by endewing thame with liberteyis, previlegeis and immunityis,—the caussis of the increse of mony uther grite townes heirofoir: and we will reserve some certane portioun of ground about the same to be distributed amangis the inhabitantis thairof, thairby to encourage people to dwell and mak thair residence thair.

"And, as we haif evir wissed frome oure hairt that our goode subjectis of that kingdome sould not heirefter be ony forder troublit with taxis, subsidyis, or obeying of proclamationis maid for reduceing of these Yllis to obedyence, so we will you to considder that, seeing almost the cheif

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and principall of these Illismen (the Clan Donnald exceptit) for whose obedyence and entrie, quhen thay salbe required, the Lord Uchiltrie, oure lieutennent in these boundis, and the Bischop of the Yllis, do freelie undirtak, ar now enterit thair in sure warde, and that thair can not be offerrit ony better occasioun of capitulatioun with that sorte of people, and we having considderit thair petitioun preferred unto us offerring all securitie possible or then pledgeis for performance of thair dewytie, we expect, after you haif hard ather thameselffis or some in thair names mak offerris both for payment of our rent and for thair obedyence, to be then by you certifyed what course is fittest to be takin, and by what meanis this so endles a worke heirtofoir may be once putt to that poynt as bothe oure desyre atteyned unto and our goode subjectis thair no forder troubled for this caus.

"And heirin we think the present oportunitye is very remarkable, that at the same tyme when we do committ unto you the deliberatioun and executioun of this mater concerning oure Yllis and Heylandis within our continent in that kingdome, that our Counsaill heir ar also adviseing in lyke maner for distributing of the whole north pairt almost of oure kingdome of Yrland to suche of oure goode subjectis as will plant colonyis thairin; and, the winter seasoun being a most proper fitt tyme for deliberating and prepairing, we hoip it shall kyith aganis the spring whidder you be moir cairfull for recovery of one member of your awne body almost rottin and decayed, or thay heir to restoir a parcell of that whiche, howevir pertening to this estate, yitt is no parte of this kingdome.

"We wilbe spairing to dispose upoun ony pairt of these Yllis, and unwilling to extermine, yea skairse to transplant, the inhabitantis of the same, bot upoun a just caus; and we think the people remaning thair may be divydit into three soirtis. The first is those chiftanis and leadaris of clannis-men who never regairdit what suirtie or ryght thay had of any land, accounting thair pouer to oppres warrant sufficient for them to possesse and useing that tyrranicall forme over thair tennentis as it maid the cuntrey to be almost unhabited,—at least causit mony of thame that wer willing to haif remayned labouraris turne to idilnes, as being oute of hoip or at leist unwilling to live by the sweate of thair browes, did thairupoun mak choise to follow thair chiftanes example to live upoun other menis labouris; and of thame is the secound sorte composed. The third is of thame who ar and do still remayne labouraris; whiche sorte, without some knowne cause to the contrarie, micht be weele permitted to remayne. The secound sorte micht be enforced ather to tak thame selffis to industrie, or then transported or ellis banissed; and the first sorte, of whiche thair be some of the principallis now in warde, may be ather contentit with a reasounable meane portioun of that same landis whiche thay had befoir or then transported to suche a place quhair thair far distance may remove all feare of breache on thair parte. Bot we noway hold it fitt that ony of these grite chiftanes sould be continewed in thair possessionis in that quantitie as thay haif formarlie acclaymed thame,

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beaus it doeth nothing at all bot gevis thame the grittair scope to extend thair tyrannie and maketh thair reduceing to obedyence the moir difficle and hard.

"And thairfoir it is to be advised by you what is fittest to be done with these in warde, and what salbe done with ony suche Yllismen as lyis oute, and how that service in ony point thairof which is yitt unfinished may be once endit, and what shalbe the course both of planting of civilitie, obedyence, and religioun in those pairtis and for preserving of the same heirefter. Off all whiche and every point thairof, after the same hes bene reasouned, debaitit and consultit upoun amangst you, we do expect your advise and counsell what salbe forder prosequuted in that mater; upoun returne quhairof we will then send unto you the significatioun of oure forder pleasour and will."

Superintendence of the mainland opposite the Isles to be committed to the Earl of Argyle and the Marquis of Huntly, and others; with charge to the landlords on the said mainland to answer that rebellious and disobedient Islesmen be not resetted or supplied within their bounds.

"Forsamekle as, the Kingis Majestie haveing bestowit grite chargeis and expenssis this yeir bigane for reduceing of the Ylandis of this kingdome to his Majesteis obedyence, and some of the principallis of the Yllis being come in of whome all deutifull obedyence and satisfactioun is expectit, and some utheris yitt lying oute, of purpois, as appeiris, to continew rebellious and dissobedyent, thair can be no solide ordour nor course tane for the quietnes and obedyence of the saidis Yllis unles these pairtis of the continent nixt adjacent and possest be the Heylandaris be first assuired, that the same be not as receptaclis and placeis of refuge to suche Yllismen who sall continew rebellious and dissobedyent: For whiche purpois the saidis Lordis findis meete that the Erll of Ergyle salbe burdynnit to assuir the haill continent foiranent the West Yllis betuix Mull of Kintyr and Loquhaber, that nane of the fugitive and rebellious Illismen salbe ressett thair, and that the Marques of Huntley, Allane M^cEan Duy, M^cIntoshe, and M^cRannald salbe burdynnit for Loquhaber, and that the noblemen, baronis and utheris underwrittin salbe burdynnit to assure thair awne boundis and continent opposite to the Yllis. Thairfoir ordanis letters to be direct chargeing George, Marques of Huntlie, Allane M^cEan Duy of Loquhaber, as alsua Williame M^cIntoshe, sone to umquhile Lauchlane M^cIntoshe of Dunnauchtane, Angus Williamesoun of Termett, Ewne Angus M^cFersane in Brume, and Gillichallum M^cV^cEane in Tullochroune,—whilkis foure personis hes bundin and oblist thameselffis to be answerable for all suche personis as Lauchlane M^cIntoshe, now of Dunnauchtane, sould answer for, ay and while he be of lauchfull and perfyte age: as alsua chargeing M^cRannald of , Symone, Lord Frasair of Lovatt, Kenneth M^cKanyee of Kintaill, Johnne Grant of Freuchie, George Ros of Balnagowne, Hucheoun M^cKy of Far, of Glengarrie, Donald Neilsoun of Assint, of Garloch, George, Erll of Caithnes, Monro of Foullis, personalie yf thay can be apprehendit, and failyeeing thairof at thair duelling placeis, yf thay ony haif, and be oppin proclamatioun at the mercat croce of the heid burgh of the shyre quhair thay dwell, to compeir personalie befoir the saidis Lordis upoun the xxv day of Marche nixt to come, to underly suche ordour as

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salbe prescryvit unto thame tuicheing the finding of suirtie and cautioun for the quietnes and obedyence of thair boundis, and that no fugitive and dissobedyent Yllismen salbe ressett or suppleit within the same, under the pane of rebellioun and putting of thame to the horne, with certificatioun to thame and thay failyie letters salbe direct simpliciter to putt thame thairto."

Charge to Mackinnon of Strathordale to give his obedience before the Council.

Lauchlane M°Kynnoun of Strarothedaill had obliged himself on 25th February 1606 to give his obedience to his Majesty when charged by open proclamation at the market cross of Invernes upon 60 days' warning under pain of 10,000 merks (see vol. viii. p. 628). Now, as order is being taken for reducing the whole Isles, north and south, to obedience, charge is to be given to the said Lauchlane to appear before the Council on to render his obedience to the king under the said pain.

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Charge to MacLean of Coll.

Order to charge Lauchlane M°Clane of Coill, "a speciall landit men in the Yllis," to appear before the Council on 25th March next, with the view of his rendering obedience to his Majesty.

Warrant for transporting MacLean of Duart and others from Dumbarton Castle to Edinburgh.

The Lords of Secret Council, Commissioners for the affairs of the Isles, having thought meet that Hector M°Clane of Dowart, Lauchlane M°Clane, his brother, Allane M°Clayne, son of Charles M°Clane of Ardgour, Neill M°Ilduy and Neil M°Rory, servitors to the said Hector, shall be brought from the Castle of Dunbartane, where they are at present in ward, to the burgh of Edinburgh by Sir Williame Steuart, Constable of the Castle of Dunbartane, by 20th instant, ordain the provost and bailies of Dunbartane to be charged to send a sufficient number of their town in arms to accompany the said constable and persons foresaid to the city of Glasgu when required, the bailies of the said city providing sufficient number of men to convoy the said constable and Islesmen to Lynlythgow, and the provost and bailies thereof to assist in the transport of the said persons to Edinburgh, the magistrates of which shall enter them in their tolbooth,

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all under the pain of rebellion. Sir Robert Hepburne, lieutenant of the guard, is also ordained to direct some of his company to assist the said Constable in the transport of the said Islesmen from the Castle of Dunbartane to the burgh of Edinburgh.

Promise to enter MacDonald of Dunivaig and others.

Andro, Lord Stewart of Uchiltrie, his Majesty's Lieutenant over the Isles, promises and becomes bound to enter before the Council, on 16th March next, Angus M°Coneill of Dunyveg, Allaster M°Coneill, his son, Ronnald M°Coneill, brother of the said Allaster, and Coill M°Gillespik.

MacLeod of Harris.

The Lords ordain the Laird of Lundy to be charged to make payment of the sum incurred by him for not entering of M°Cleud of Hereis.

Act in favour of the Constable of Dumbarton.

Hector M°Clane of Dowart, Lauchlane M°Clane, his brother, and his friends, who are at present in ward in the Castle of Dunbartane and are ordained to be transported therefrom to the burgh of Edinburgh, are not to be put to liberty on any condition till first Sir William Stewart, captain of Dunbartane, be paid for their expenses during the time of their warding in the said castle.

The Lords appoint their next meeting to be upon the 21st day of February instant. The Isles. 1608–1623.

Edinburgh, 24th February 1609.

Sederunt—Chancellor; Bishop of Glasgu; Mar; Bishop of the Yllis; Uchiltrie; Blantyr; Comptroller; Justice Clerk; Collector. Page 33.

Offers of Hector M°Clean of Duart.

Hector M°Clayne of Dowart, appearing personally before the Lords Commissioners for the Isles, makes the following offers:—(1) To be answerable for all the inhabitants of Mull, except M°Kynnoun, M°Clayne of Coill, and M°Clayne of Lochbuy; for all the inhabitants of Terrey; for all the lands and inhabitants of the Isle of Moverne; for the inhabitants of so much of Yla as pertains to him, provided his Majesty make the rest of Yla answerable; for as much of the Isles of Coill and Jura as pertains to him; for his own part of the lands in Kintyre; for his part of the lands of Scalpa, when his Majesty shall make the rest answerable; and for his part of the lands of Loquhaber. (2) For assurance of the same, to enter as pledges such of his sons or brothers as the said Lords shall appoint, to remain here on his charges in such places as the said Lords shall fix. (3) "To tak new infeftmentis and takis of his landis haldin of the King for payment of suche dewyties as he sall aggree upoun with the Comptroller, and that thir infeftmentis and takkis sall contene claussis irritant that he sall forfalt his lands, takkis, and possessionis in cais he failyee in payment of his dewyteis,"—which offer he declares he makes "becaus he can gett nane to be cautioneris for him". (4) To be answerable for his three servants now here in ward, and for their entry whenever required.

Three of his servants to be warded in Edinburgh tolbooth.

Allane M°Clayne, Neill M°Ilduy, and Neill M°Rorye, retainers of the said Hector, and exhibited with him by the Captain of Dumbartane (*ante*, p. 747), are committed to ward in the tolbooth of Edinburgh, because the said captain, having no assurance of satisfaction for their expenses, has declared he will not keep them in Dumbartane.

Hector and his brother remitted to Dumbarton Castle.

Hector M°Clane of Dowart, and his brother Lauchlane M°Clane, delivered back to the Constable of Dumbartane, to be replaced in their former ward in Dumbartane Castle. Page 34.

Edinburgh, 28th February 1609.

Sederunt,—Chancellor; Dunbar; Bishop of Glasgow; Bishop of the Yllis; Bishop of Ross; Uchiltrie; Comptroller; Blantyr; Haliruidhous; Justice Clerk; Advocate; Collector.[1]

Offers of Donald Gorm, and of the Chief of Clanranald: the two remitted to ward in Blackness.

Donald Gorme of Slaitt, appearing personally, offers to be answerable for the "haill landis and possessionis quhatsomevir pertening to him": viz. the fourscore merk land of Trouternes, the twenty pound land of Slait, the ten pound land of the north part of Ross, the twelve merk land of Benbekielaw, the twenty pound land of Skeirreyhow, and for the obedience of all the inhabitants of the said lands.—Donald M°Allane M°Eane of Yllantyrim, Captain of the Clanranald, likewise appearing, offers to be similarly answerable for all his lands: viz. the twenty pound

[1] Compare the sederunt with that of the general Council meeting of the same day, *ante*, p. 252. Only those of the Council who had been appointed Lords Commissioners for the Isles (*ante*, p. 742–3) seem to have remained present when the business of the Isles was specially discussed.

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land of Moydert, the twenty pound land of Arressek, the twenty eight merk land of the Isle of Egg, the twelve merk land of Moroill, the twenty pound land of Skirriehew.—The said Donald Gorme and Laird of Clanranald also offer to take new infeftment of their said lands, containing clauses irritant whereby they are to forfeit the same in case of non-payment of dues or disobedience. For assurance of these offers they are ordered to enter as pledges such of their sons or other nearest kin as the Council may appoint, to be kept at their charges in places to be fixed by the Council.—The two chiefs to be sent back to Blaknes; a warrant to be given to Sir Robert Hepburne to be their convoy; and another warrant to be given him to be delivered to the Constable and keepers of Blacknes for receiving the prisoners.

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The Laird of Lundy and MacLeod of Harris.

"The saidis Lordis superseidis and continewis the executioun of the letters againe the Laird of Lundy for payment of the soume of ten thousand pundis, quhairin he wes decernit for not exhibitioun of M°Leud of Hereis, unto the fourte day of Aprill nixtocome; at whiche day yf he enter him not, the saidis Lordis ordainis the letters foresaidis to be putt to forder executioun agane him."

Edinburgh 29th February. MacLean of Duart's servants.

Warrant is subscribed by the Chancellor, the Treasurer, the Earl of Dunbar, and the Archbishop of Glasgow, for delivery of M°Lane of Dowart's three servants now in ward in the tolbooth of Edinburgh to Sir Williame Steuart, Knight, constable of the Castle of Dunbartane, for their transport to their former ward in the said castle; which warrant is delivered into the said Sir Williame's own hand.

Edinburgh, 28th March 1609.

Sederunt—Chancellor; Dunbar; Bishop of Glasgow; Bishop of Ross; Bishop of the Isles; Blantyr; Haliruidhous; Comptroller; Advocate; Collector.

Proceedings anent Highland Lairds of the mainland charged to co-operate with the Council in the business of the Isles.

His Majesty having "bestowit grite chargeis and expenssis this yeir bigane for reduceing of the Ylandis of this kingdome to obedience," and "some of the principallis of the Yllis being come in, of whome all deutifull obedyence and satisfactioun is expectit," while "utheris yitt lyis oute, of purpois, as appeiris, to continew rebellious and dissobedyent," and it being evident that "thair can be no solide ordour and course tane for the quietnes and obedyence of the dissobedyent Yllis unles those pairtis of the Continent nixt adjacent to the Yllis and possest be the Hielandaris be first assured, and that the same be not as receptaclis and placeis of refuge to suche Yllismen who sall continew rebellious and dissobedyent," charge had been given to Johnne Grant of Freuchy, Williame M°Intosbe, son of the late Lauchlane M°Intoshe of Dunnauchtane, Angus Williamesoun of Termett, Ewne Angus M°Fersane in Brune, Gillichallum V°Eane in Tullechorne, Symon, Lord Frasair of Lovatt, Donald M°Angus of Glengarrie, George, Erll of Caithnes, Kenneth M°Kanzie of Kintaill, Johnne M°Kanye of Garloch, Robert Monro of Foullis, George Ros of Balnagowne, Hucheoun M°Ky of Far, Donald Neilsoun of Assint, Alexander M°Rannald in Kepach, Allane Camroun *alias* M°Coneill Duy of Loquhaber, to appear on a certain day past "befoir the Lordis of Secreit

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Counsaill commissionaris nominat be his Majestie for the affairis of the Yllis," and to underlie order in this matter. The result has been as follows:—The Earl of Caithnes and Kenneth M^cKanzie of Kintaill, obeying the charge, have appeared personally, the said Kenneth M^cKanzie appearing also for the said Johne M^cKanzie of Garloch and Donald Neilsoun of Assint and promising their obedience, and appearing moreover for the said George Ros of Balnagowne, and producing a testimonial subscribed by Mr Robert Ros, minister at Alnes and moderatour of the presbytery of Tayne, and by Mr Robert Munro, minister at Roskene, scribe of the said presbytery, testifying that the said George is ill and unable to travel without peril to his life. The said Johnne Grant of Freuchy has appeared by a procurator, who has "promeist that the said Johnne wald be heir within two or three dayis." The said Robert Monro of Foullis has appeared by Mr Johnne Monro, 'quho allegeit that the said Robert wes minor and at the scuillis." The said Angus Williamesoun of Termett has appeared by a procurator, "who produceit ane testimoniall subscrivit be Maister James Bishop, minister at Invernes, Donald M^cQuene, persoune of Petty, A. Thomesoun, reidar at Innernes, and Johnne Cuthbert, provest of Invernes, testifieing that the said Angus is very havelie diseasit with the sciatica in his right haynche and legg and that he is not able to travell two myllis on horse nor fute." But the said Williame M^cIntoshe, Ewne Angus M^cFersane, Gillichallum V^cEane in Tullichorne, Donnald M^cAngus of Glengarrie, Hucheoun M^cKy of Far, and Alexander M^cRannald in Kepoch have not appeared at all.—In these circumstances the Lords ordain George, Erll of Caithnes, Kenneth M^cKanyee of Kintaill, Johnne M^cKanyee of Garloch, and Donnald Neilsoun of Assint, "to find cautioun and suirtie actit in the bookis of Secreit Counsaill that they sall keepe goode reul and quietnes in thair boundis, and that they sall not ressett within the same ony of the fugitive and dissobedient personis of the Yllis, under the panes following: viz. the said Erll of Caithnes under the pane of fyve thousand pundis, the saidis Johnne M^cKanyee and Donald Neilsoun ather of thame under the pane of three thousand merkis, and that they remain within the burgh of Edinburgh quhill thay find the said cautioun under the pane of hoirning"; they ordain Johnne Grant of Freuchie to "find the lyke cautioun and souirtie at his heircomeing under the pane of foure thousand pundis"; they excuse the absence of Lord Lovatt, also that of the Laird of Balnagowne and that of Angus Williamesoun, and also the absence of the said Allane Camroun, "in respect he is presentlie imployed in his Majesteis service"; but they ordain letters for charging the said Lord Lovatt, the Lairds of Balnagowne and Foullis, and the tutors and curators of the Laird of Foullis, if he has any, "to find the said cautioun and souirtie in maner and to the effect abonewrittin under the panes following: viz. the said Lord Lovatt under the pane of foure thousand pundis, the Lairdis of Balnagowne and Foullis, ather of thame, under the pane of fyve thousand merkis, within fyftene dayis nixtefter the charge, under the pane of

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rebellioun, &c., and if thay failyee to denunce, &c." They further ordain letters to denounce Donald M^cAngus of Glengarrie, Hucheone M^cKy of Far, and Alexander M^cRannald of Kepach, rebels for their non-appearance.

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Charge for the good order of the Clan Mac-Intosh during the minority of the present chief.

Whereas Williame M^cIntoshe, son of the late Lauchlane M^cIntoshe of Dunnauchtane, Angus Williamesoun of Termitt, Ewne Angus M^cFersane in Brume, and Gilliechallum V^cEane in Tullichroune, had appeared before the Council on the 27th of June 1607 and become bound to be answerable, during the minority of the present Lauchlane M^cIntoshe of Dunnauchtane, for the good conduct thenceforward of all such persons as the said late Lauchlane M^cIntoshe of Dunnauchtane had been answerable for [*ante*, vol. vii. p. 432]; and whereas his Majesty is now arranging for the peace of the Islands, and finds it necessary for that purpose that all noblemen and other landed gentlemen of the mainland opposite to the Islands shall give security that their lands shall not be a refuge for the disobedient Islesmen; therefore letters are to issue charging the said sureties for the good order of the clan M^cIntoshe during the minority of the present chief to find caution in 3000 merks, within fifteen days, under pain of horning, for the good rule of the clan in this particular, and for the non-reset of fugitives from the Isles in the lands of the said present Lauchlane during his minority.

Edinburgh, 5th April 1609.

Sederunt—Dunbar; Bishop of Glasgow; Bishop of Ross; Bishop of the Isles; Blantyr; Haliruidhous; Justice Clerk; Comptroller; Collector.

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Commission for the audit of the accounts of Lord Ochiltree's Lieutenancy in the Isles.

The Lords nominate the Archbishops of St Androis and Glasgu, the Bishop of Orknay, the Lords Blantyr and Halyruidhous, the Comptroller, the Collector, Sir Johnne Arnott, treasurer depute, or as many of them, with as many more, as the said Archbishop of Glasgu shall call, provided the Comptroller and Sir Johnne Arnott be two of the number, to audit the accounts of Andro, Lord Steuart of Uchiltrie, during his Lieutenancy over the Isles, and to report thereon. They appoint the 1st of May next for hearing the accounts, and ordain Lord Uchiltrie to be then present, having with him his captains, commissaries, and skippers of his ships.

Edinburgh, 7th April 1609. Mackenzie and Grant.

Kenneth M^cKanyee of Kintaill and Johnne Grant of Freuchie, appearing personally, become bound for each other, in 4000 pounds each, that those for whom they are answerable shall keep the King's peace and shall not reset or favour fugitives from the Isles.

Mackenzie of Gairloch and Neilson of Assynt.

Kenneth M^cKanyee of Kintaill becomes similarly bound, in £3000, for Johnne M^cKanyee of Garloch and Donald Neilsoun of Assint, and for those for whom these lairds are answerable.

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Edinburgh, 2nd May 1609. Case of Angus McConeill.

Angus M^cConeill of Dunyvaig, appearing personally before the Lords of Secret Council, and praying to be dismissed and sent home again, on the ground that he has not means for his sustenance and entertainment here, the Lords, "in respect of some of his Majesteis speciall and weghtie affairis quhilkis myght not permitt the present occasioun to tak ordour with the said Angus," continue the business for some certain days, "that

his Majesteis affairis be putt to ane poynt," and ordain the said Angus to remain meanwhile in Edinburgh. Andro, Bishop of the Isles, who is present, becomes bound for the stay of the said Angus till he is dismissed by the Council. The Isles. 1608–1623.

Edinburgh, 12th May 1609.

Sederunt—Dunbar; Glasgu; Uchiltrie; Comptroller; Bishop of the Isles; Justice Clerk; Advocate; Collector; Clerk of Register.

Angus McConeill.

Angus M°Concill of Dunnyvaig, appearing personally, is delivered to Andro Steuart of Uchiltrie, to be transported by him to the Castle of Blacknes, there to be detained till further order.

MacKinnon of Strathordale.

Lauchlane M°Kynnoun of Strathordaill, appearing personally, becomes bound, in 5000 merks, to appear before the Council and render obedience to his Majesty when and as often as he shall be charged to that effect, upon sixty days' warning, by open proclamation at the market cross of Invernes.

Edinburgh, 22nd June 1609.

MacLean of Duart.

James, Earl of Glencairne, and Kenneth M°Kanyee of Kintaill, appearing before the Lords of Council, become bound, conjunctly and severally, that, as the said Lords have committed to them the charge of the convoy of Hector M°Clayne of Dowart from the Castle of Dunbartane to this burgh of Edinburgh, to be taken order with by the Council, they will bring and present the said Hector before the Council on the first Council day after the ending of the present Parliament, under the pain of £20,000. They become bound to relieve each other of one half of the said sum, and of all pain and danger they may sustain in the matter.—(See *ante*, p. 303.)

Edinburgh, 25th June 1609.

Angus Mac-Coneill, Donald Gorm, and the Captain of Clanranald.

Warrant is subscribed by the Chancellor, the Treasurer, and the Archbishop of Glasgow, directed to the constable and keepers of Blacknes Castle, requiring them to deliver Angus M°Coneill of Dunnyveg, Donald Gorme of Slaitt, and the Capitane of Clanrannald, to Sir Robert Hepburne, Lieutenant of the Guard, that they may be exhibited by him before the Council. The warrant is delivered to the Comptroller's own hand. Page 41.

Edinburgh, 27th June 1609.

Sederunt—Chancellor; Dunbar; Treasurer; Bishop of Glasgu; Bishop of Ross; Bishop of the Isles; Uchiltrie; Blantyr; Haliruidhous; President; Comptroller; Justice Clerk; Clerk of Register.

Royal Letter of directions in the business of the Isles, with powers to the Bishop of the Isles in that business.

"The quhilk day, Andro, Bishop of the Yllis, presentit unto the Lordis Commissionaris the missive letter underwrittin, directit unto thame frome the Kingis most excellent Majestie; off the whiche letter the tennor followis:—James R: Richt trustie and richt weilbelovit Cosines and Counsellouris, we greete you weele.—Having sene these overturis send up with the Bishop of the Yllis for a course to be takin alsweele with the Yllismen now in warde as with these who are not yitt enterit, we think it meitest that the Comptroller of oure rentis of that oure kingdome, with the said Bishop, efter [the end] of this Parliament sould mak a voyage through these Yllis; and of that nomber that are presentlie detenit we think, upoun sufficient pledgeis and bandis takin of foirfeyte of thair whole landis yf thay do not observe every thing that is required of thame, that Lauchlane M°Clayne of Dowart and Angus M°Coneill may be relevit Page 42.

out of prissoun, the said Lauchlane being bundin to accompany the said Bishop and Comptroller in thair whole voyage and to mak his returne bak with thame, and all the rest to be deteynit whill thay returne bak frome the Yllis. And, to the effect utheris that ar not yitt enterit, by the example of thir folkis detentioun and upoun the feir not to haif libertie to returne, may stay oute and not enter, thairfoir we will you to grant warraunt to the said Bishop of the Yllis and Comptroller that thay may saulflie promeis and assuir to ony that ar presentlie unenterit a free and saulff conduct, with libertie of saulff comeing and going without trouble and impediment, that so by these means thay may be induceit to come in and mak assurance of all the offeris that ar maid in thair name ; since in this mater we could glaidlie frome oure hairtis wishe that these people wald prevent thair awne ruyne by conformeing thameselffis to oure obedyence, and wald tak that course to live as oure goode and dewtifull subjectis. Alwayis committing this mater wholie to your considerationis, as persuading ourselff that you will do thairin what you hold fittest for our service, we bid you right hairtelie fairweele. Frome oure Courte at Greinewiche the third of Junii 1609. To our richt trustie and richt weilbelovit cosines, counsellouris, and utheris commissionaris appointit for taking ordour with the Yllis affairis."

Sederunt—Chancellor ; Dunbar ; Mar ; Bishop of Glasgu ; Bishop of the Isles ; Bishop of Ross ; Comptroller ; Uchiltrie ; Blantyr ; Haliruidhous ; President ; Justice Clerk ; Advocate. Edinburgh, 28th June 1609.

Licence by the Lords Commissioners to Archibald, Earl of Ergyll, to confer or intercommune by word or writing, as often as he chooses, till the 1st of October next, with Rory M^{c}Leud of Dunveggane, "for reduceing of him to his Majesteis obedyence," and this notwithstanding any hornings standing against the said Rory to the contrary. Rory MacLeod.

Page 43. Allaster M^{c}Leud, brother of the said Rory, having now been relieved, at the suit of the Earl of Argyle, from his ward in the Castle of Edinburgh, in order that he may concur with the Earl in bringing the said Rory to obedience, the said Earl, appearing personally before the Lords Commissioners, becomes bound, in £4000, to present the said Allaster before the said Lords on the first Thursday of November next, being the 2nd day of that month. Allaster MacLeod.

Symon, Lord Frasair of Lovatt, appearing personally, becomes cautioner, in £5000, for Archibald, Earl of Ergyll, that neither he nor any for whom he is answerable betwixt the Mull of Kintyre and Lochquhaber shall reset or supply within the said bounds any fugitives from the Isles. The Earl becomes bound to relieve his cautioner. Lord Lovat's caution for the Earl of Argyle.

Reciprocal caution, to the same effect, in £4000, by the Earl of Ergyll, personally present, for Symon, Lord Lovett. Argyle's caution for Lovat.

Page 44. Order to charge Alexander M^{c}Donald of Largy to find caution, in £2000, under pain of horning, within six days after the charge, not to reset or supply any fugitives from the Isles. Alexander MacDonald.

James, Earl of Glencairne, and Kenneth M^{c}Kanyee of Kintaill, appear- MacLean of Duart.

ing personally before the Lords Commissioners, become bound, in £20,000, for the entry of Hector M^{c}Clayne of Dowart before the said Lords on the first Thursday of November next, to underlie such order as may be given him,—these two cautioners becoming reciprocally responsible for half the said sum, and the said Hector binding himself and his heirs for their relief.

MacLean of Duart.

The said Hector M^{c}Claine of Dowart, now personally present, becomes bound to appear again before the Lords Commissioners on the first Thursday of November next, to underlie such order as shall be then given him, consenting, in case he fail, to the forfeiture of all his lands, heritages, and possessions into the hands of the King. He also becomes bound, in £20,000, and under pain of the said forfeiture, to bring with him and present on the same day his brother Lauchlane M^{c}Claine; with proviso that, if he suffer his said brother to remain meanwhile in his ward in Dunbartane Castle, and do not avail himself of the warrant of the Council for the delivery to him of his said brother by the keepers of the said Castle, then he is to be free from the part of his caution appertaining to the said Lauchlane.

The same.

Warrant subscribed for the delivery to the said Hector M^{c}Clane of his said brother Lauchlane by the constable and keeper of Dunbartane Castle; and another warrant subscribed for the release from the same Castle of the said Hector's three servants. Page 45.

Edinburgh, 29th June 1609.

Sederunt—Chancellor; Dunbar; Mar; Bishop of Glasgu; Bishop of Ross; Bishop of the Isles; Uchiltrie; Blantyr; Haliruidhous; Comptroller; President; Justice Clerk; Advocate; Clerk of Register.

Caution for the Captain of Clanranald.

Caution, in £5000, by Andro, Lord Stewart of Uchiltrie, James, Lord of Bewlie, and Andro, Bishop of the Isles, all appearing personally, for Donnald M^{c}Allane M^{c}Ean of Yllantyrum, Captain of the Clan Rannald, that he will appear before the Lords Commissioners on the 2nd day of February next to underlie order.

Obligation of the same chief for himself.

The said Chief of Clanranald, appearing personally, becomes bound that, inasmuch as the Lords have granted him licence to pass home for a while to concur with his Majesty's Commissioners for the Isles in their efforts for the pacification of the same, he will loyally give such concurrence as shall be required of him, and will appear again before the Lords on the 2nd day of February next to underlie their further order,—all under pain of forfeiture of all his lands and possessions into his Majesty's hands.

The said chief's son to be detained in pledge.

Charge to Andro, Bishop of the Isles, also personally present, to keep carefully in his custody the said Donnald's son, as a pledge for his father's obedience. Page 46.

Caution for McConeill of Dunivaig.

Caution, in £5000, by Archibald, Earl of Ergyll, and Andro, Lord Stewart of Uchiltrie, for Angus M^{c}Coneill of Dunnivaig, that he will appear before the Lords on Allhallow-day next to underlie their directions, —the said Angus relieving his said cautioners.

Band of the said McConeill for himself.

Band by the said Angus M^{c}Coneill, appearing personally, undertaking, under pain of forfeiture of all his lands and possessions, that, inasmuch as

the Lords Commissioners have granted him licence to repair home for a while, "to the effect he may gif his concurrence and assistance to his Majesteis commissionaris who ar to be direct to mak a survey of the Yllis," he will loyally give such concurrence and assistance when required, and also that he will appear again before the Lords on Allhallow-day next to underlie their further order.

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Sederunt—Chancellor; Dunbar, treasurer; Bishop of Saint Androis; Bishop of Glasgu; Mar; Bishop of the Isles; Bishop of Ross; Uchiltrie; Blantyr; Haliruidhous; Comptroller; President; Justice Clerk; Privy Seal; Advocate. Edinburgh, 30th June 1609.

Caution in £10,000, by Kenneth M°Kanyee of Kintaill and Sir George Hay, Knight, both appearing personally, for Donnald Gorme of Slaitt, that he will appear before the Lords Commissioners on 2nd February next to underlie their order: each of the said sureties becoming responsible for the other's half of the said caution, and the said Donnald Gorme relieving both. Caution for Donald Gorm of Slait.

Band by the said Donnald Gorme of Slaitt, who is personally present, to the effect that, being allowed to repair home to lend his concurrence and assistance to his Majesty's Commissioners charged with a survey of the Isles, he will render such assistance loyally when required, and that he will appear before the Lords Commissioners of the Council on the 2nd of February next, and will at the same time exhibit Rory M°Cleud, son of Torquill Dow M°Cleud, all under pain of forfeiture of all his lands and possessions into the King's hands. Band by the said Donald Gorm for himself.

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Order to Kenneth M°Kanyee of Kintaill to keep Donnald Gorme's brother's son, who is now in his hands, till the said Donnald's appearance before the Lords Commissioners. Nephew of Donald Gorm.

"The saidis Lordis Commissionaris hes thoght meete and expedient that Andro, Bishop of the Yllis, salbe directit to the Yllis to mak a survey of the landis thairof, according to the commissioun and instructionis which he sall ressave to that effect, and ordanis that he sall haif three thowsand merkis money payit to him be the Comptroller for defraying of his chargeis in that service. Commission to the Bishop of the Isles to proceed to the Isles for a survey of them, and for bringing the inhabitants to obedience: with a copy of his Instructions.

"Instructionis to Andro, Bischop of the Yllis, Commissionair direct unto the Yllis for surveying thairof and drawing the inhabitantis within the same to his Majesteis obedyence: ultimo Junii, 1609:—

"You sall mak a survey of the Kingis Majesteis haill propertie within the Yllis, and tak particulair notice of the availl and quantitie thairof, the qualitie of the tennentis and possessouris of the same, how mekle of the said propirtie is possest and be whome, and how mekle thairof is waist; and heirof you shall mak a recorde in wryte, to be exhibite unto the Commissionaris of the Yllis at your returne.

"You shall use all goode officeis possible in you to move the Yllismen who yitt lyis oute to come in and rander thair obedyence, laying befoir thame the grite dangeir thay stand in be thair outlying, and what goode

conditioun thay may haif yf thay will imbrace his Majesteis obedyence and be content to live heirefter as honnest, modest, and civile subjectis.

"You shall grant unto thame assuirance and saulff conduct to come and gang at thair pleasour, assureing thame of goode and kyndlie usage yf thay will come in, and denunce unto thame all kynd of hostilitie yf thay continew rebellious and dissobedyent.

"Yf ony of the Yllismen lyis oute and will not come in, you shall imploy the forceis of these who ar answerable and obedyent to persew thame and to move thame be force and hostilitie to come in; bot heirin you salbe very wyse and circomespect that no suche actioun of hostilitie fall oute as may disturb the Kingis Majesteis haill service in the Yllis.

"You shall hald courtis in all placeis neidfull in the Yllis, useing thairin suche moderatioun and discretioun as may allure the Yllismen to obedyence.

"For executioun of the premissis you sall convocat his Majesteis liegeis and subjectis in armes as you sall find occasioun." Page 49.

Passport between the Isles and Edinburgh for Rory MacLeod of Dunvegan.

Rory M^cCleud of Dunveggane being minded to render his obedience, and to come in and offer surety to that effect, and the Lords Commissioners being willing to receive him and give him good conditions, so that others of the Islemen may be encouraged to imitate his example, the said Lords grant to the said Rory full liberty to go and come at his pleasure between the Isles and Edinburgh till 1st November next, without risk of apprehension or detention for any cause whatsoever.

Edinburgh, 5th July 1609. Band for the Earl of Caithness.

Registration by Mr Johnne Russell, advocate, appearing as procurator for the principal and cautioners, of a band whereby Kenneth M^cKainzie of Kyntaile and Sir Johnne Home of Coldenknowis, knight, undertake, conjointly and severally, under the pain of 10,000 merks, that George, Earl of Caithness, "sall mak a free, peaceable, and suire passage to all his Majesteis lauchfull subjectis through his countrey of Caithnes, and that he nor nane of the inhabitantis of the said countrey sall mak ony impediment, hindar, or stay to his Majesteis subjectis in comeing and ganging through the said countrey nor in thair passage to and fra Orknay." The band, dated at Edinburgh the 1st July. 1609, is subscribed by the Earl and his two cautioners, in presence of Mr Johnne Sinclar and Mr Johnne Mansoun, servitors to the said Earl, and Antone Whyte, writer in Edinburgh, as witnesses.

Edinburgh, 7th July 1609. Another Band for the same Earl.

Registration by the same procurator of another band by Sir Johnne Home of Coldinknowis, singly, in £5000, to the effect that the said Earl and all for whom he is answerable in the country of Caithnes will observe obedience and will not reset or supply any fugitives from the Isles. The band, dated at Edinburgh 20th March 1609, is subscribed by the said Earl and his cautioner, in presence of William, Lord Sincler, Mr Johnne Sincler, and Mr Johnne Mansoun, as witnesses. Page 50.

Royal Letter.

Another transcript of the Royal Letter, of date Grenewitche, 3rd June 1609, already given at p.p. 752–3 as having been presented to the Lords by the Bishop of the Isles on the 27th of that month.

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Ships being necessary for the transport of Andro, Bishop of the Isles, to the Isles, and for his service there, there is order to charge officers of arms to arrest the "bark or vashell" called for the Bishop's use "upoun ressonable fraucht to be payit thairfoir," and, if need be, "tak her saillis from the raes" so that she be detained.—Noted *ante*, p. 321. Edinburgh, 13th July 1609. Ships for the service of the Isles.

Sederunt—Chancellair; Bishop of Glasgu; Bishop of Ross; Lynlythqw; Bishop of the Isles; Haliruidhous; President; Comptroller; Clerk of Register. Edinburgh, 28th Sept. 1609.

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"The quhilk day in presence of the Lordis Commissionaris compeirit Andro, Bishop of the Yllis, and maid a repoirt of his procedingis in the Yllis and of the executioun of the instructionis and directionis gevin unto him thairanent; quhilk reporte, contening the forme of his procedingis he gaif in in wryte; and, efter reiding thairof, he desyrit that he might haif the same up agane, to the effect he might showe the same unto his Majestie, seing he wes boune to Courte; and he promeist at his returne to delyver the same writtis and reporte of his procedingis, to the effect the same myght be registrat." Report by the Bishop of the Isles of his proceedings in the Isles.

Order to Sir James Hay, Comptroller, to direct his warrant to the officers of Yla "for ansuering the keparis of the house of Dunniveige ten mairtis and tua hundreth poundis of silver for defraying thair chargeis whill his Majesteis forder pleasour be knowne." Payment to the Officers of Islay.

The Lords Commissioners, "for some necessair considerationis," prorogue the appearance of Angus M^cConeill of Dunnivaig before them to 2nd February next. McConeill of of Dunyvaig.

"Forsamekle as Hector M^cClayne of Dowart, Angus M^cConneill of Dunnyvaig, and certane uthiris chiftanes of the Yllis, who ar addebtit to the Kingis Majestie in the maillis and dewyteis of thair landis, hes of lait meanit thameselffis unto the Lordis Commissionaris that thay ar very far prejudgeit and maid unable to pay his Majesteis dewyteis be reasoun of a proclamatioun and prohibitioun maid within the boundis of Ergyll that no merchantis nor utheris sall buy ony mairtis, horssis, or utheris goodis within the boundis of Mule or ony utheris of the West Yllis, the said Yllismen having no utheris meanis nor possibilitie to pay his Majesteis dewyteis bot by the seale of thair mairtis and horss, and the buying of suche commoditeis being in all tymes bigane a free, constant, and peceable trade to the mercheantis alsweill of Ergyll as of the incuntrey, without ony restrent, trouble, questioun, or impediment moved or intendit on the contrair at ony tyme heirtofoir; quhairby as the makaris of that proclamatioun hes committit a very grite errour and ouersight in usurping upoun thame suche a soverane pouer and auctoritie, noway competent in the persone of a subject, and thairwithall hes defraudit and prejudgeit his Majesteis goode subjectis of the benefeit of thair lauchfull trade and intercourse of thair goodis, wairis, and mercheandice, so haif thay verie far hinderit his Majestie in the tymous and thankfull payment of his dewyteis, in heich contempt of his Majesteis auctoritie and lawis: Thairfoir the saidis Lordis hes annullit and dischargeit, and be the Repeal of a prohibition against commerce with Mull and others of the Western Isles.

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tennour heirof annullis and dischargeis, the proclamatioun and prohibitioun foirsaid maid aganis the bying of horssis, mairtis, and utheris commodityis in the Mule and utheris Yllis as being altogidder unlauchfull in the selff, maid and sett onlie be these who had no wairand, pouer, nor auctoritie to do the same; declairing heirby that it is and salbe lesome to all his Majesteis goode subjectis to repair to Mule and utheris ylandis and thair to buy and sell thair commodityis at thair pleasour, notwithstanding the unlauchfull prohibitioun and discharge foirsaid, whiche is voyde, without lyffe, force, or auctoritie. And thairfoir ordanis letters to be direct to mak publicatioun heirof be oppin proclamatioun at all placeis neidfull, wherthrou nane pretend ignorance of the same, and to command, charge, and inhibite all and sindrie his Majesteis liegeis and subjectis, of what estate, qualitie, or degree soevir thay be, that nane of thame presome nor tak upoun hand to vex, harme, molest, trouble, or unquyet ony of his Majesteis subjectis for repairing to the Yllis, buying and selling of thair commodetyis thairin, and that thay mak no stop, trouble, hinder, nor impediment to thame thairin, bot suffer thame peaceablie to pas to and fra the Yllis through thair boundis, with thair goodis, mairtis, horssis, and wairis, unmolested, troubled, or unquieted thairin be thame, or ony of thair causing, command, and hounding oute whome thay may stop or latt; as alsua that nane of thame stay, arrest, mell or intromett with ony mairtis or horssis quhilkis salbe broght fra the Yllis for payment of his Majesteis dewyteis; as thay and everyane of thame will ansuer upoun the contrairie at thair heichest perell, and under the pane to be callit, persewit, and punist as contempnaris of his Majesteis authoritie, with all rigour."

Edinburgh, 7th November 1609. McClean of Duart.

The Lords of Secret Council, with consent of James, Earl of Glencairne, cautioner for Hector M°Clayne of Dowart, prorogue to this day eight days the entry of the said Hector before them. Page 54.

Edinburgh, 14th November 1609. McClean of Duart.

James, Earl of Glencairne, having this day appeared before the Lords of Secret Council, and entered and exhibited Hector M°Clayne of Dowart in conformity with his act of caution to that effect (*ante*, p. 752), protests that he shall now be exonered from the pains of that act; and the Lords admit the protest.

The same.

New caution, in £10,000, by the said Earl for the appearance of the said Hector before the Council on the 1st of February next: this caution to be without prejudice to any act of caution made by Kenneth M°Kanyee of Kintaill to the same effect.

Lauchlan McLean.

Prorogation, with consent of the said Hector, of his band for the production of his brother, Lauchlane M°Claine, before the Council, from the first Thursday of this month to the 1st of February next.

McEane of Ardnamurchan.

Order to charge M°Eane of Ardnamurchin, under pain of rebellion, to appear before the Council on next, to underlie such order as may be given him for his obedience and the peace of the Isles. Page 55.

Cannogait, 2nd January 1610.

Hector M°Clayne of Dowart, appearing before Sir James Hay of

Kingask, Comptroller, and Kenneth M^cKanyee of Kintaill, becomes bound to exhibit before the Council on the 1st of May next his brother Lauchlane, conform to the terms of his band to that effect of the 28th of June last. (See *ante*, p. 754). Caution for Lauchlan McClean.

Kenneth M^cKanyee of Kintaill, appearing personally before the Council, becomes bound, in £20,000, for the appearance before them of Hector M^cClayne of Dowart on the first lawful day of May next; in respect of which caution the Lords prorogue the entry of the said Hector and all other cautions thereanent to the said day. Edinburgh, 9th January 1610. New caution for McClean of Duart.

Sederunt—President; Blantyr; Secretary; Advocate. [No proceedings recorded.] Edinburgh, 2nd February 1610.

Page 56. New caution, conjointly and severally, in £20,000, by James, Earl of Glencairne, and Kenneth M^cKenzie of Kintaill, for the appearance before the Council of Hector M^cClane of Dowart on the first Council day of May next, to underlie such order as may be given him touching the affairs of the Isles.—Subscribed to this entry are the autograph signatures of the Earl and Mackenzie. Edinburgh, 3rd February 1610. New caution for McClean of Duart.

Caution in £10,000 by Kenneth M^cKanyee of Kintaill, personally present, for the appearance of Donald Gorme of Slaitt before the Council on the 8th of March next,—the said Donald, who is also present, becoming bound to relieve his said cautioner. Edinburgh, 22nd February 1610. Donald Gorm of Slait.

Registration by Robert Leirmonth, advocate, as procurator for principal and cautioner, of a band whereby Kenneth M^cKanyie of Kintaill becomes bound in 3000 merks for the appearance before the Council when required, upon twenty-one days' warning, of Hucheoun M^cKy of Far, to answer touching any matters with which he may be charged, and whereby the said Hucheoun, and his son Donald M^cKy, fiar of Far, bind themselves and their heirs and assigns for the relief of the said cautioner. The band, executed at Edinburgh 28th February 1610, is subscribed by the cautioner and the two M^cKys in the presence of Rory M^cKanyee of Coigach, Johnne M^cKanyee, servitor to the cautioner, and Mr Robert Ferquhair, writer, servitor to Mr. Williame Forbes of Menye, as witnesses,—the said Ferquhair being the writer of the document. Edinburgh, 5th March 1610. Band by Mac-Kenzie of Kintail for McKay of Farr.

Page 57. His Majesty being "as yett unresolvit quhat course to tak for satling of the affairis of the Yllis," he and the Lords Commissioners for the Isles prorogue the diets appointed for the appearance of the Islesmen before the said Lords to the 28th of June next, and ordain publication hereof, with intimation to the said Islesmen and their cautioners that they must appear punctually on that day under the pains specified in their bands and acts of caution and of further punishment. Edinburgh, 15th March 1610. Prorogation of the Isles business to the 28th of June.

Page 58. James, Earl of Glencairn, and Kenneth, Lord Kintaill, appearing before the Lords of Secret Council, and exhibiting Hector M^cClayne of Dowart according to their Act to that effect, protest that they have fulfilled the Act and are thereby exonered; which protest the Lords admit. Similar exoneration to Kenneth, Lord Kintaill, for his production this day of Donald Gorme of Slaitt, as by his Act (*ante*, p. 755). Edinburgh, 28th June 1610. Hector McLean of Duart. Donald Gorm of Slait.

Angus McConeill of Dunivaig.

Angus M^cConeill of Dunnyvaig appearing personally in satisfaction of the Act whereby Archibald, Earl of Ergyll, and Andro, Lord Steuart of Uchiltrie, had become cautioners for his appearance, the Lords admit his protest, and Archibald Campbell, servitor to the said Earl, takes instruments of the fact that his said cautioners are now exonered.

Rory MacLeod of Harris.

Rory M^cCleud of Hereis having appeared personally "for testificatioun of his humble obedyence to the Kingis Majestie and for geving unto the saidis Lordis satisfactioun anent his deutifull obedyence in all tyme coming," Archibald Campbell, servitor to Archibald, Earl of Ergyll, as procurator for the said Earl, takes instruments thereupon, and protests that his master is now exonered of his caution for the said Rory.

Donald McAllan McEan of Islantyrum.

Donald M^cAllane M^cEane of Yllantyrum, Captain of the Clanranald, appearing personally in satisfaction of his Act of Caution to that effect, protests that he is thereby exonered; which protest the Lords admit. He becomes bound of new, on his faith, honour, and credit, and in 10,000 merks, to appear before the Council on the first Council day after the 15th of May next.

Allan Cameron MacInduy of Lochaber.

Allane Cameroun M^cEinduy of Lochquaber, appearing personally Page 59. "for testificatioun of his humble dewytie and obedyence to the Kingis Majestie," promises to be "ane ansuerable, deutifull, and obedyent subject in all tyme comeing," and for this effect becomes bound, "upoun his grite oath," to appear before the Council whenever charged or written for.

Reconciliation of the Chief of Clanranald and Allan Cameron McInduy.

"The quhilk day Donald M^cAllane M^cEane of Ylantyrum, Capitane of the Clanrannald, and Allane Camroun M^cEanduy of Lochquhaber, compeirand personalie befoir the Lordis of Secreit Counsaill, thay, for testificatioun of thair willingnes to leve under the obedyence of his Majesteis lawis, freelie renunceit all grudge, unkyndnes, and quarrell standing betuix thame, and hairtelie imbraceit ane another, and choppit handis togidder, and promeist to persew thair actionis whiche wes the occasioun of the present differenceis betuix thame be the ordinair course of law and justice."

Lauchlan McKinnon of Strathordale.

Lauchlane M^cKynnoun of Strathordaill, appearing personally, "for randering of his obedyence," promises to be answerable at all times when charged, conform to his band of 12th May 1609.

Caution for Hector McClean of Duart.

Caution, in £10,000, by Alexander, Earl of Dunfermlyne, Lord High Chancellor of Scotland, for the appearance of Hector M^cClayne of Dowart before the Council on the first Council day after 15th May next, —James, Earl of Glencairne, and Kenneth, Lord Kintaill, undertaking for the relief of the said Earl in this caution.

Angus McConeill.

Caution, in 10,000 merks, by Andro, Bishop of the Isles, for the Page 60. appearance on the same day of Angus M^cConneill of Dunnyvaig,—the said Angus, who is personally present, undertaking for his relief in this caution.

Donald Gorm.

Caution, in 10,000 merks, by Sir James Hay of Kingas, Comptroller, for the appearance on the same day of Donald Gorme of Slaitt; who, being present, undertakes for the relief of his said cautioner.

Caution, in 10,000 merks, by George, Earl of Dunbar, Lord High Treasurer, who is personally present, for the appearance on the same day of Rory M°Cleud of Hereis,—Kenneth, Lord Kintaill, undertaking for the relief of the Earl in this caution, and the said Rory, who is also present, undertaking to relieve both these cautioners. MacLeod of Harris.

Caution, in £10,000, by Hector M°Clayne of Dowart, personally present, for the production on the said day of his brother Lauchlane M°Clayne. Lachlan McClean.

Page 61. Rory M°Cleud of Hereiss, appearing personally, becomes bound to relieve Archibald, Earl of Ergyll, and his heirs, of his Act of Caution in £4000 for the appearance before the Council on 2nd November last of Allaster M°Cleud, brother of the said Rory. Allaster MacLeod.

"The quhilk day in presence of the Lordis of Secreit Counsaill compeirit personalie Angus M°Coneill of Dunnyvaig, Hector M°Clayne of Dowart, Donald Gorme of Slait, Rory M°Cleud of Hereis, Donald M°Allane M°Eane of Ylantyrum, Capitane of Clanrannald, Allane Camroun M°Eanduy of Lochquhaber, and Lauchlane M°Kynnoun of Strathordill, and faithfullie promeist and band and obleist thame that thay sall concur with thair haill pouer and forceis and assist his Majesteis lieutennentis, justiceis, and commissionaris, to be directit to the Yllis, in all and every thing tending to the executioun of thair commissionis and furtherance of his Majesteis service; and, in cais it sall pleis his Majestie and his Counsaill to mak choise of ony ane of thameselffis to be his Majesteis commissionair, that all of thame sall concur and assist the persone or personis sua to be maid choise of be his Majestie; and that thay sall leve togidder in tyme comeing in peace, love, and amytie, as deutifull and goode subjectis under thair soverane Lord and King, and that thay sall kepe nichtbourheid to utheris, and persew thair actionis, yf thay ony haif, be the ordinair course of law and justice." Obligation taken jointly by six of the Highland chiefs.

Archibald, Earl of Ergyll, having become bound in £4000 on the 28th of June 1609 for the exhibition before the Council on the 2nd of November last of Allaster M°Cleud, brother of Rory M°Cleud of Hereis, and the case being this day called, and Sir Thomas Hamiltoun of Bynnie, King's Advocate, being present for his Majesty's interest, and Archibald Campbell, agent to the Earl of Ergyll, being present in name of the said Earl, but the said Allaster making no appearance, and not having been exhibited on the said 2nd of November nor on any day since, the Lords decern the Earl of Ergyll to have incurred the said penalty, and order letters to issue for the payment of the same to his Majesty's Treasurer or Treasurer-depute. The Earl of Argyll's caution forfeited by the non-appearance of Allaster MacLeod.

Page 62. "The quhilk day the Lordis of Secreit Counsaill ordanis and commandis Andro, Lord Steuart of Uchiltrie, to rander and delyver the Castell of Dunnyvaig, with the haill munitioun, artaillerye, poulder, and bullett being within the same, to Andro, Bischop of the Yllis, or ony in his name haveing his pouer to ressave the same, to be keept be thame, conforme to his Majesteis directioun gevin thairanent; wheranent the extract of thir presentis salbe unto the said Lord Uchiltrie sufficient warrand." Custody of the Castle of Dunivaig.

MISCELLANEOUS PRIVY COUNCIL PAPERS.

A.D. 1607–1610.

PRIVY COUNCIL PAPERS.

Miscellaneous Papers. Commission for the apprehension of Thomas and William Weir, at the horn for the slaughter of William Carmichael.

1. Commission under the sign manual and signet, subscribed "Al. Cancell[s]," and endorsed by J. Prymrois, clerk of the Council, as having passed the Council this day, to the Sheriff of Lanark and his deputies, the captain and lieutenant of the Guard, James Carmichaell of Pottieshall, Johnne Carmichaell, his eldest son, and to the Sheriff of Drumfries and his deputies, to seek, apprehend, and bring before the Justice and his deputies, Thomas and William Weir, sons of Waltir Weir of Nethir Newtoun, denounced rebels on the 30th day of June last, at the instance of Elizabeth Scot, Lady Crawfurd, mother, Johnne Carmichaell of Medowflat, eldest brother, Walter Carmichaell, also brother, with the remanent kin and friends, of the late William Carmichaell, and with Sir Thomas Hamilton of Monkland, king's advocate, for his Majesty's interest, for remaining fugitive and unrelaxed from letters of horning charging the said Weirs to appear and answer before the Justice for the murder of the said William Carmichaell. Full powers to the Commissioners to use all necessary force for the purpose, with indemnity to them for whatever may ensue, and with charge to the lieges to assist. Edinburgh, 5th Nov. 1607.

Horning of Lord Maxwell and Maxwell of Dinwiddie.

2. Extract, authenticated by "Joannes Skene, Cl. Regr.," of letters of horning issued by James Prymrois, clerk of the Council, on the 17th of December last, and now produced by Mr Williame Broun, as having been duly executed against Johne, Lord Maxwell, and Robert Maxwell of Dinwiddie, for their non-appearance before the Council on the said day, as charged, to answer for their treason in escaping from Edinburgh Castle on the 4th of December. The indorsations bear that Robert Logan, messenger, had duly executed the letters (1) by denouncing the two Maxwells at the market cross of Dumfries on the 23rd December, by three blasts of his horn, in the presence of Stevine Lowrie and Thomas Goldie, merchants at the said cross, Johne Schortrig, burgess there, and Johne Satlingtoun, servant to Lord Maxwell, (2) by doing the same on the 30th December at the market cross of Lochmaben in presence of Archibald Carrudoris, servitor to the Laird of Holmaynis, and Johne Clerk in Lochmabone, with others—See *ante*, p. 24. 2nd Jan. 1608.

Deposition of Sir James MacConeill respecting the excape of Lord Maxwell and Robert Max-

3. Deposition of Sir James MacConeill in the matter of the escape of Lord Maxwell from Edinburgh Castle.—Printed in full in Pitcairn's *Criminal Trials in Scotland*, vol. III. pp. 10, 11, as a portion of the "Appendix of Original Papers" annexed to the account of the trial of MacConeill on May 13, 1609, for treasonable fire-raising and other Edinburgh Castle, 15th Jan. 1608.

treasonable crimes. It begins with the words "At the Castell of Edinburgh the xv day of Januair 1608, in presence of my Lord Advocate and Mr Williame Hairt, justice-depute, and Sir Johnne Arnot, thesaurare-depute, Sir James M°Coneill, knyght, sworne and demandit," and occupies more than a quarto page of small type. It is subscribed by M°Coneill himself (in the form "Sir J. Mackdonall"), and is attested by the signatures of Sir Thomas Hamilton, Sir J. Arnote, and Mr Wm. Heart. Miscellaneous Papers. well of Dinwiddie from Edinburgh Castle.

Edinburgh Castle, 15th Jan. 1608.

4. Depositions of Archibald Cunynghame, master-porter, and Alexander Strutheris, porter, of Edinburgh Castle, in the same matter.—Printed in full in Pitcairn's *Criminal Trials*, III. p. 41, as Nos. 1 and 2 of Appendix of Original Documents annexed to the account of the trial of Lord Maxwell for treason, June 24, 1609. The depositions are attested by Sir Thomas Hamilton, J. Arnote, and Mr Wm. Heart. Depositions of Archibald Cunnynhame and Alexander Struthers in the same matter.

Edinburgh, 28th April 1608.

5. Deposition of Sir Robert Maxwell of Spottis respecting the murder of the Laird of Johnston by Lord Maxwell.—Printed in full in Pitcairn's *Criminal Trials*, III. 43–46, as No. 9 of the Appendix of Original Papers annexed to the account of the trial of Lord Maxwell. Certified by the words "*Tenet cum principali*,—J. Prymrois." Deposition of Sir Robert Maxwell of Spotts respecting the slaughter of the Laird of Johnston by Lord Maxwell.

3rd May 1608.

6. Letter in Latin to Patrick, Earl of Orkney, signed "Petrus Brock," and dated "Bergis, 3 Maii Anno 1608," offering continuance of services, and informing the Earl that, as regards Gairsay, he has no letters now in his possession, having burnt all except those which he had delivered to the Earl's servant, Captain Efkin." Latin letter to the Earl of Orkney.

Whitehall, 6th May 1608.

7. "James R.—Trustie and weilbeloved, we greit you weill.—Our great earnist desyre to have the Iyles belonging to that our kingdome of Scotland reduced to civillitie, quietnes, and our obedience (being so oft notified to our Counsell there by our manie directions sent thither for the prosecution of that work, which as yet hes had but a verie meane progres), moved us, upon the charges of this Estate, for the better advanceing of that busynes, to direct some shippes and a galley to be prepared and directed towards those Iyles. And, in regard that the neighbours of this kingdome, upon the dewtifull zeale and desyre to have all the parts of our dominions quiett and obedient, have kyithed their forward willingnes herein, it wilbe no little blemish to the reputatioun of that kingdome if they themselves should be anie waye defective in the advanceing of this work. And therefore we have thought meitt to desyre you, in the tyme of this approcheing Convention of the Estats of our Kingdome of Scotland, to be kept the xxv of this instant, to assist our Counsell there in furdering some present and reddy course to be taken by the said Estats for a land force to be sent both to the west and north Iyles, for concurring with those souldiers that shall come in the shippes and galley which are to be directed from hence, that so that long lingered service may be once finished, those bounds made civill and obedient, and the reproche removed from that kingdome in haveing some parte thereof still possest with such barbarous canniballs. And, howsever it may in some sorte be greavous and expensive to you, yet there be none of anie of your ranks and estates Royal Letter to members of the approaching Convention of Estates, requesting concurrence in that Convention in the proceedings for reducing the West and North Isles.

Miscellaneous Papers.

but will finde by the goode succes of this worke, with the countreys speciall creditt, a particuler benefitt and gayne to themselves. Wherein persuading ourself that everye one of our Estates then conveyned will contend who sall kythe most willing and forward herein, and being fully assured of your good affection thereto, we bid you right hartiely farewell. From our Court at Whitehall the 6 of Maii 1608."—This, which does not occur in the Book of Copies of the Royal and other Letters, is an original under the sign manual.

Letter from his Majesty to the Earl of Dunfermline and the other Councillors, for the restitution of Captain Claissen's ordnance from the town of Aberdeen.

8. "James R. Right trusty and right wellbeloved cosens and counsellouris, wee greete you well:—It hath bene compleyned unto us by the Baron of Hobocque, ambassadour resident before with us for the Archdukes, that,—one capteyn John Claissen, commanding in a shippe belonging to the saidis Archdukes, having in the moneth of Aprile 1607 left in our toune of Aberdene two peices of brasse in paune of certeyne money borowed by him there, whiche money being, at the time appointed, repayed,—one George Collison of this kingdome (pretending some losse susteyned by him through his imprisonment at Dunkerk), caused arreste the saidis peices. And, because such formes are not used excepte in case of *denegata justicia*, it is our pleasour that presentlie you directe charges in the most stricte forme to our said burgh of Aberdene, commanding to restore the saidis peeces to the said Captaine Claissen, or any other having commission from him to receave the same. And, as for the said Collison or any other our subjecte interessed, upon their compleynte (if the same be found reasonable), wee shall take sufficient order for their satisfactioun. And, expecting your diligence herein, we bid you right heartely farewell.—From our Courte at Greeynwiche the last of Maii 1608."—Original, under the sign manual, with the words "Junii 1608, *Fiat ut petitur*" written at the foot, as if noting the resolve of the Council on receipt. Greenwich, 31st May 1608.

9. Acquittance from Umphra Gray, burgess of Edinburgh, to James Prymrois for the sum of £100 imposed on Alexander Pennycooke for hurting the said Umphra. Witnesses, Laurence Keir and Alexander Wylie. Edinburgh, 14th June 1608.

Certificate of the horning of Lord Maxwell on a former charge of slaughter and fire-raising in Dissible, and on the more recent charge of his treasonable escape from his ward in Edinburgh Castle.

10. Extract, certified by Sir Johne Skene of Curriehill, Clerk of Register, of letters of horning, produced by Robert Logane, messenger, as having been duly executed against Johne, Lord Maxwell.—The letters, issued by order of the King and Council 14th April 1608, and subscribed "J. Bannatyne," command John Yellowlies, Dingwall pursuivant, and Robert Logane, messenger, or either of them, to proceed against Lord Maxwell on the following charges against him by Sir Thomas Hamiltoune of Bynnie, King's advocate:—(1) In the month of [February], in the year [1602], Lord Maxwell, with accomplices to the number of twenty persons, armed with jacks, swords, steel-bonnets, lance-staves, hagbuts, dags, pistolets, and other forbidden weapons, "having conceavit ane deidly feid, rancour, and mallice aganis umquhyll Williame Johnestoun, brother to [Wilkyn] Johnestoune of Elschiesheills, for dyveris bluidis standing unreconceillit betuix the names of Maxwell and Johnestoune," went to the Edinburgh, 21st June 1608.

town of Defible, in the sheriffdom of Dumfries, and there cruelly slew the said Williame, at the same time by way of hamesucken setting fire to his dwelling house and biggings there, and to another house in the said town of Defible, and so murdering and burning to death Johne Johnestoune, brother to James Johnestoune in Hesliebra. (2) The said Lord Maxwell, having been committed to ward in Edinburgh Castle "for dyveris gryt and wechtie caussis," had, on the of December last, under silence and cloud of night, assisted by Sir James M^cConeill and Robert Maxwell, called of the Toure, attacked their keepers, reft the swords of the said keepers, come armed therewith to the inner yett or port of the Castle, set upon Alexander Strutheris, keeper of the said port, and his spouse, hurt and wounded them, forcibly opened the said port, come then to the mid-yett of the said Castle, there attacked and wounded the keeper thereof, and so escaped, thus treasonably and violently breaking ward. (3) The said Sir James M^cConneill having been committed to ward in the said Castle, and been imprisoned there for some months, "for the tressonabill murthour of umquhill Sir Lauchlane M^cCallane of Dowart, his uncle, committit under traist and credeit, and for the tressonabill raising of fyre and burning of the said hous of in Kyntire, quhairin his father and mother war for the tyme, and for the tressonabill taking of thame and detening of thame as said is captives and prissoneris be the space of dyveris monethis thairefter," and he having remained in the irons within the said Castle till the said day of December last, but having then determined to break his ward, the said Lord Maxwell most treasonably gave his assistance to the said M^cConeill in the said enterprise and in the foresaid attack on the porters of the Castle for the purpose, and so in his treasonable escape over the back wall of the Castle till he was re-apprehended by the constable who went in pursuit.—For these causes the said officers were to charge Lord Maxwell to find sufficient sureties to the Justice Clerk and his deputies acted in the books of Adjournal for his appearance to underlie the laws for the same in the Tolbooth of Edinburgh on the 22nd of June next under the pains of the Acts of Parliment, and were also to charge him at his dwelling house of Carloverok or Dumfries with his remaining at the horn and fugitive after having been already denounced for his non-appearance to summons before the Lords of Secret Council to answer for the said crimes,—said charge to hold good as if it had been delivered to him personally. If within six days after the charge he gave no satisfaction, they were to proceed to denounce him afresh and put him to the horn; but, if he did find the said surety, they were to summon an assize of not more than 45 persons, whose names were to be given them in roll subscribed by the Lord Advocate, each person under the pain of 100 merks, and arrange for his trial.—The indorsations bear (1) that on the 30th of April last Johne Yeallowlies, Dingwall pursuivant, had gone to the market cross of Edinburgh, having his Majesty's coat of arms displayed upon him, and there by open proclamation, after three sounds of a trumpet, in his Majesty's name, and in presence of these witnesses,—

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Archibald Johnestoun, merchant, Alexander Grahame, merchant-burgess, Gillespie, messenger, George Fergusone, trumpeter, and James Cheipman, his own servant,—had commanded Lord Maxwell to find the foresaid surety to the Justice Clerk and his deputies; (2) that the same Yeallowlies had gone, also in proper costume, on the 5th of May last, to Lord Maxwell's "dwelling place in Carleverok" and to his "ludgeing or uther dwelling-place in Dumfreis," because he could not be apprehended personally, and, after having "knockit sex knockis at the yet of ilkane of the saids duelling houses," had affixed a just copy of the letters of charge thereto, and then immediately passed on the same day to the market cross of Dumfries, and there by open proclamation charged the said Lord Maxwell as aforesaid, affixing a copy of the letters to the cross also,—the witnesses at Carleverok having been James Moir and Alexander Baillie, two of his Majesty's guard, and William M^cWilliam in Carloverok, and those at the Dumfries lodging and market cross of Dumfries Archibald M^cBrair in Dumfreis, Thomas Welshe there, William Johnestoune there, Johne Lamb, goldsmith there, Robert Maxwell, notary there, and the above James Cheipmane; (3) that, on the 11th, 13th, and 17th of the present June, Robert Logane, messenger, had gone to the market crosses of Kirkcudbright, Dumfreis, and Lochmaben, and there denounced the said Lord Maxwell as rebel and put him to the horn with three blasts each time for his contempt of the foresaid charges, and ordained all his goods to be escheat,—the witnesses at Kirkcudbright being Johne Meikill, common clerk there, Alexander Meikill, notary there, Edward Forrest, commissary there, Robert Hall, burgess there, James Gordoun, Thomas Carrok and Johne Gibsoun, merchants and burgesses there; those at Dumfreis, Stevine Lowrie, merchant there, Andro Swane, maltman there, Johne Diksoun, cordiner there, Nicoll Norvall and Johne Maxwell, messengers there, and Arthour Blak, messenger in Sanquhar; and those at Lochmaben, William Johnestoune, called of Brigmuire, James Johnestoune, called James Rigfyt, dwelling in Lochmaben, George and Cuthbert Johnestounis, and Andro Pott, all indwellers there.

Letters of horning against Lord Maxwell and Charles Maxwell, fugitives for the slaughter of the Laird of Johnstone, with certifications of the due execution of the same at divers places.

11. Extract, certified by Sir Johnne Skene of Curriehill, of letters of horning raised by Dame Margaret Scot, Lady Johnestoun, elder of Vode (?), Dame Sara Maxwell, Lady Johnestoune, younger, the relict, James Johnestoune, as son, Agnes and Elizabeth Johnestounes, as daughters, Robert Johnestoune of Raecleucht, James Johnestoune of Lochhous, and James Johnestoune of Westraw, as near kinsmen, with the remanent kin and friends, of the late Sir James Johnestoune of Dunskellie, knight, and also by Sir Thomas Hammiltoune of Bynnie, King's Advocate, for his Majesty's interest, against John, Lord Maxwell, and Charles Maxwell, called of Kirkhouse, on the following grounds:—Although there was an Act of Parliament of 29th of July 1587, declaring that the murder or slaughter of any one under trust and assurance by the slayer should be treason, and should involve loss of life, lands, and goods, and also another Act of December 1577, divers times repeated since, making the wearing or using of culverins, dags, pistolets, Edinburgh, 23rd June 1608.

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or any other firearms, without licence, punishable with the loss of the right hand; and although on the 11th of June 1605 John, Lord Maxwell, had appeared personally before the Lords of Secret Council, professed reconciliation with the said late Sir James Johnestoune of Dunskellie, taken him by the hand in token thereof, and of renunciation of all hatred or old feud against him or his on his own part or on that of any for whom he might be answerable (*ante*, vol. vii. p. 58); and although the said Lord Maxwell, for himself and others, had subscribed a letter of slains thereupon to the said late Sir James in presence of the Lords of Council on the 25th of the said month of June, bearing ample remission and forgiveness to the said Sir James and his people for all past slaughters done by them (*ante*, vol. vii. p. 64); yet the said Johne, Lord Maxwell, had by himself, and by Chairlis Maxwell, called of Kirkhouse, and other accomplices, in the months of March bypast and April instant "plattit, devysit, consultit, and determinat the cruell murthour and slauchter of the said umquhill Sir James." For that purpose he had employed Sir Robert Maxwell of Spoittis, the near kinsman and brother-in-law of the said Sir James, to move the said Sir James in Lord Maxwell's name to a meeting, with a professed view to some discourse as to the means of restoring Lord Maxwell to his Majesty's favour. The said late Sir James had accordingly, on the 6th of April instant, gone with the said Sir Robert in perfect trust, riding on a little nag, and having no weapons except his sword, to the muir between Arthourstane and the kirk of Trailflatt. "In his way be accident [he] met with Williame Johnestoune, called of Lockerbie (?), and tuik him bak with him, and [they] red togidder quhill they come to the kirk of Trailflatt, quhair they persavit tua men rydand upoun the mure. And than the said Sir Robert Maxuall desyrit the said umquhill Sir James and Williame Johnestoune to remane still quhill he spak the saidis tua men that war rydand upone the mure. Quhe red to thame, and, finding thame to be my Lord Maxuall and Chairlis, schew to the said Lord Maxuall that he haid brocht furth the said Sir James to keip the appoyntit meiting, as he desyrit and of new requyrit the said Lord to gif his faythfull promeis upoun his honour and conscience to meit and pairt freindlie and honestlie with the said Sir James, as he haid causit the said Sir Robert promeis and sueir in his name to the said Sir James. Conforme to the quhilk desyre, the said Johne, Lord Maxuall, be his gryt aith gevine to God for himself and in name of the said Chairlis Maxuall, under the pane of tresone, perjurie, and perpetuall defamatioun, in maist soleme forme, with his eyis towardis the heyvines, faythfullie renewit the former promeis to the said Sir Robert for the saif meiting and saiff pairting of the said Sir James and Williame in thair traist. Quhilk aith being gevine and promeis renewit be the said Lord Maxuall in maner foirsaid, the said Sir Robert with gryt glaidnes came bak agane to the said umquhyll Sir James, and declarit to him that the tua men was my Lord Maxuall and Chairlis Maxuall, and that my Lord was glaid of his comeing and desyrit him to come fordward to the appoyntit meiting, and for his

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forder securetie haid of new resavit his lordschipis faythfull promeis that he nor the said Williame nor ather of thame sould be ony wayis hurt or harmit be the said Lord Maxuall or Chairlis in that thair meiting and pairting, and, giff thay condiscendit upoun all materis intreatit and conferit on betuix thame, it sould be ane caus of mair perfytt and permanent amitie betuix thame in all tyme thairefter, and, giff not, as they met sa sould they schad guid freindis but ony forder troubill or invasioun. Quhilk faythfull promeis maid be the said Lord wes in maist soleme forme maid be him to God himself, and under the pane of tresone, perjurie, and perpetuall defamatioun. Lyke as the lyk faythfull promeis was maid be the said umquhill Sir James, performit for himselff and in name of the said Williame Johnestoune. Sua that the saidis Johne, Lord Maxuall, Sir James Johnestoune, and Sir Robert Maxuall, meiting with freindlie conversatioun upoun the said mure, and the said Lord Maxuall and the said umquhill Sir James, with the said Sir Robert Maxuall in the midis, rydand altogider in secreit conference ane certane space, leiving the said Chairlis and Williame apairt fra thame, the saidis Chairlis and Williame aprocheand drew neir to utheris, and efter ane guid evine gevine be the said Williame to the said Chairlis, and that the said Chairlis haid returnit the lyk to him agane, at the leist bad God saif him, the said Chairlis enterit in conference with the said Williame and brak furth to him in thir speachis following —'Giff I haid knawine that my Lordis eirand heir was to meit the Laird of Johnestoune efter this maner, he sould not haiff causit me to cum with him.' To the quhilk it was answerit be the said Williame that he houpit in God it sould be guid for thame baith, thay being lang at varience, and now he houpit in God they sould weill agrie upone all materis. The said Chairlis answerit that it lay nocht in the Lairdis power to mak my Lord ane amends for the offences doune to him. Quhairunto the said Williame answerit that he was sure that the Laird wald doe all to my Lord that lay in his power, his allegance to us his soverane Lord only exceptit. It was answerit agane be the said Chairlis that this meiting was for the wrak of the said Chairlis freindis, and that the Laird and the haill name of Johnestoun war bot trattours. To the quhilk the said Williame replyit, 'We ar cum for concord, and quhat ye say sall be takin in gud pairt this day, for I houp the nobillmen sall aggrie better betuix thameselffis'; and thairupone, without forder answering, the said Chairlis, haiffing his pistolett prepairit and bendit under his clok, upone set purpois, under freyndschip, traist, and credet, maist tressonably schot at the said Williame, intending thairwith tressonablie to have slaine [him], and with ane bullett schott him throw the clok and brount his clothis, but be Godis providence missit his body. Quhairupone the said William cryet 'Tresone,' and baith he and the said Chairlis come fast rydand to the uther thrie; and the said umquhyll Sir James, heiring the schott and noys, lipning still to the former promeis maid and solemnatlie sworne be the said Lord, turning his bak to my Lord and inquyring quhat the mater meanit, the said Johne, Lord Maxuall, expres

aganes his aith and faythfull promeis, haiffiing his pistollett bendit and prepairit for the purpois under his clok, chairgit with twa poyson bullettis, without forder warning maist tressonablie dislasht his said pistolett with the saidis twa poysone bullettis in the said umquhyll Sir James behind his bak, and thairwith schott him in at his rycht schoulder with baith the saidis twa poysonit bullettis, quhairof the ane remanit in his body and the uther was cuttit out at his right pape, and thairefter with drawine swordis maist schamefullie and unhonestlie persewit him to the deid. Be the quhilk schott he immediatly thairefter depairtit this lyff. And sa, under traist, credit, and assured freyndschip of the said Johne, Lord Maxuall, and Chairlis Maxuall, and aganes his promeis, aith, and fidelitie maid and renewit in maner above wryttin, the said umquhyll Sir James [was] maist tressonablie murdrest and slaine be thame, and they, or ather of thame, ar airt and pairt of the said tressonabill and barberus murthour, committing thairthrow oppine and manifest treassone, and incurring thairthrow the panes and punischment prescryvit be our said Act of Parliament to be inflictit upone treatoris,—to witt his and the said Chairlis persones to be demainit as tratouris, and thair haill lands, heretages, guidis and geir to be foirfaltit and escheit to oure use,—as also throw contravening of oure said uther Act of Parliament in beiring, weiring, and schuitting of the saidis pistolettis upone thair persones and in thair companies and invading of the said Williame Johnestoune and slaying of the said umquhyll Sir James thairwith in maner foirsaid haif incurrit the panes and punischment mentionat thairintill."—In these circumstances signet letters, dated at Edinburgh 18th April 1608, and subscribed "J. Bannatyne," had issued, commanding Johne Yallowleis, Dingwall pursuivant, and other officers to charge the said Lord Maxwell and Chairlis Maxwell at the dwellinghouses of Carlaverok and Dumfries, and by proclamation at the market crosses of Edinburgh and Dumfries, to find sufficient sureties acted in the books of adjournall to the Justice Clerk and his deputes, within six days, for their appearance before the justice or his deputes in the Tolbooth of Edinburgh on the 20th of July next to answer for the aforesaid crimes, and, in case of their failure to do so, to denounce them accordingly, or, in case of their finding said surety, then to summon an assize for their trial, consisting of not more than forty-five persons, whose names were to be given in by the complainers or any of them. The indorsations shew that the said Yallowlies had duly executed the said letters at the said places and in the said manner :—viz. (1) by proclamation at the market cross of Edinburgh on the 2nd of May, before Archibald Johnestoun, merchant, Johne Gillespie, messenger, Mr Alexander Burnet and George Abernethie, advocates, George Fergussone, trumpeter, and James Choipmane, servant to Yallowlies; (2) at the dwellinghouse of Carlaverok on the 5th of May, before James Mow and Alexander Baillie, two of his Majesty's guard, and Williame M^{c}Williame in Carlaverok; (3) at the dwellinghouse in Dumfreis and the market cross there, before Archibald M^{c}Brear, Thomas Welsch, Williame Johnestoune, Johne Lamb, gold-

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smith, and Robert Maxuall, notary, all indwellers in Dumfreis, and James Choipmane, servant to Yallowleis. They shew also that (1) on the 11th of June Robert Logane, messenger, had passed to the market cross of Kirkudbryth, and there duly denounced the said Lord Maxwell and Chairlis Maxwell as his Majesty's rebels for their contempt of the said letters, the witnesses being Edward Forrester, commissar there, Robert Hall, bailie there, Johne Meikill, common clerk there, and Alexander Meikill, notary, his brother, James Gordoun, Thomas Carrok, and Johne Gibsoune, merchants, all burgesses of the said town; (2) on the 13th of June had done the same at the market cross of Dumfreis, in face of the whole market, the day being Mononday, market day there, and before these witnesses specially,—Stevine Lourie, merchant, Andro Swane, maltman, John Dikesoune, cordiner, Nicoll Newall and Johne Maxwall, messengers, all of Dumfries, and Arthour Blak, messenger in the Sanchir; (3) on the 17th of June at the market cross of Lochmabane, before Williame Johnestoune, called of Brigmuire, and James Johnestoune, called James Rigfuttis, both of Lochmabane, and George and Cuthbert Johnestounes and Andro Port, indwellers there.

Presbytery of Chirnside and a constant moderator.

12. Letter from the Laird of Chirnesyde to the Earl of Dunfermling, Lord Chancellor, reporting that on Thursday 23rd June he had been at the presbytery in Chirnesyde, where there were only six members besides Johne Clappertoun,—there being thus absent three in addition to Mr Tobias Ramsay, who has not attended this long time. Three members voted to re-admit Clapertoun as constant moderator; but the rest refused. The commissioner (Chirnesyde) accordingly charged them, under pain of horning, to obey the King's letters, but did not venture to register the horning till he should know his lordship's mind in that matter. He therefore prays for instructions on this point. There is to be a meeting of a synod at Kelso on Tuesday next.—Signed Da. Chirnesyde. East Nisbet, 24th June 1608.

John and Gilbert Bannatyne.

13. Acquittance from Johnne Bannatyne, messenger, and Gilbert Bannatyne, his brother, to James Prymrois, Clerk of Council, for 100 merks, imposed as a fine on Johnne Agnew, servitor to James Kennedie of Culzeane, for hurting the said Johnne. Witnesses Laurence Keir and Alexander Wylie, servitors to J. Prymrois, and Robert Bannatyne; registered, 11th August, Robert Hamilton, advocate, being procurator for the said Johnne and Gilbert. Edinburgh, 10th Aug. 1608.

Deposition of George Sprott upon the scaffold in the matter of the Gowrie Conspiracy.

14. "George Sprott, notar in Eymouth, being brocht to the scaffold and place of executioun, he, in publict audience of the haill people, at the foure nukeis of scaffold ratifeit his formar depositionis anent his knowlege and concealing of Restalrigis guyltynes of Gouryis treasoun; for the whiche he humblie craved God and his Majestie forgifnes, being most sorie and grevit that he had offendit God and the Kingis Majestie in concealing suche a vylde, detestable, and unnaturall treasoun interprisit be the Erll of Goury and Laird of Restalrig aganis his naturall King, so goode and so godlie a prince, who hes evir bene sa gratious to his subjectis and to this haill yland,—protesting that, yf he had a thousand lyveis to rander and wer Edinburgh, 12th Aug. 1608.

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able to suffer ten thousand deathis, it is not sufficient satisfactioun and recompence for his sa foull and horrible offens, and that God had preservit him frome mony great perrellis when his lyffe wes in extreame danger to bring him to this publict declaratioun of that detestable and horrible fact in testifeing of the treuth, as he said publictlie in presence of all the people in thir wordis following,—'to my awne schame, the schame of the Devill, and glorie of God, for satisfactioun of the conscienceis of all these yf ony be that hes or can mak ony doute of the treuth of this so cleir a mater.' And he acknowlegeis that his hanting with Restalrig, who wes a man without religioun and subject to mony other vyceis, and his ingyreing of himself in thir materis efter the first sicht of Restalrigis letter writtin to Goury, and his continuall beiring of company with Restalrig and Laird Bour, who wer irreligious and without feir of God, broght him frome one syn to another, and consequentlie upoun this grevous sine, for the whiche, most justlie, worthelie, and willinglie, he is now to rander his lyffe; and he desirit all the people present to be war of evill company, and namelie of the company of these who ar voyd of religioun; and he desirit that this his declaratioun myght be insert in his proces; as alsua he desirit the ministeris of Godis worde to publishe this his declaratioun to thair flokis frome thair pulpettis, and tooke every one of thame who wer present be the hand with thair promeis to do the same, saying unto thame that this wes the most glorious day that evir his eyis did sie. And with these wordis he prostratis himselff and fallis upoun his kneis in presence of the haill people, and maid a verie pithie prayer, begynning in this forme as follows:—'O Fader (how sould I call the Fader that am so unworthie to be callit thy sone?), I haif wanderit astray lyke a lost scheepe, and thow of thy mercy hes broght me home unto the, and hes preservit my lyfe frome mony dangeris untill this day, that I myght reveill these hid and secreit mistereis to my awne shame and thy glorie; and thow hes promissit that, whensoevir a sinner frome his hairt will repent and call to the with unfenyeit repentance, that thow will heir him and gif him mercy.' And so he continewit a goode space in a most fervent prayer, to the great admiratioun and rejosing of all the people, and in a better forme and maner nor ony of all the beholdaris and heiraris can be able to sett doun in wryte, the same not being writtin in the present tyme, becaus thair was no place of writting upoun the scaffold in respect of the prease and multitude of people. And, going up the ledder, he desirit libertie to sing the saxt psalme, and requeistit the people to accompany him in singing thairof; whiche being grantit, and he being at the ladder head, the same wes tane up and soung be himself with a very loude and myghtie voce, and wes assisted with above the nomber of fyve hundreth personis, who with tearis accompanyed him in singing that psalme. After the ending whereof he repeitit and ratifeit his said formar depositioun; and, with that recommending his soule to God, he wes cassin over and so endit his mortall lyffe.—In witnes quhairof we undirsubscryvaris, who for the most parte wer all of us upoun the scaffold with him, and remanit with him untill the tyme of his death, and otheris

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of us in so convenient placeis neir to the scaffold that we did heir all that wes spokin be him, haif subscryvit thir presentis with our handis.—Sic subscribitur: Glasgow ; B. Galloway ; A. Brechin ; Balfour of Burley ; Haliroodhous ; Jo. Prestoun ; Clericus Registri ; Pa. Schairp ; Mr P. Galloway ; Jo. Hall ; Walter Balcanquell ; Mr P. Hewatt ; Mr H. Blyith ; Charlis Lummisden; Richard Dobie, baillie of Edinburgh ; Williame Speir, baillie ; James Anislie baillie of Edinburgh :—*Tenet cum principali*, J. Prymrois."

Robert Turnbull.

15. Acquittance from Robert Turnbull in Langtoun to James Prymrois, Clerk of Council, for the sum of 300 merks imposed as a fine on Williame Bennett in Chesteris for hurting the said Robert and his spouse Bessie Dowglas. It is subscribed by Turnbull with his hand led at the pen by Robert Coltart, notary, in the presence of Johne Cas, notary, and the witnesses subscribing, viz., Williame Fouler, merchant-burgess of Edinburgh, Richard Falconer, younger in Burroustouness, Thomas Diksone, son of Thomas Diksone, merchant-burgess of Edinburgh, and Johne Heriot, tailor, burgess there. Edinburgh, 1st Sept. 1608.

Commission of Justiciary against the Earl of Orkney.

16. Royal Commission under the sign manual, as follows :—As Patrik, Earl of Orknay, is under the following hornings,—(1) one of 16th June 1608 at the instance of Robert Menteith of Egilschaw for not entering him (conform to a decree of the Lords of Session) to the lands of Kirbester and Work, out of which the Earl had violently ejected him, (2) one of 29th September for not paying to the said Robert 12,000 merks, (3) one of 1608, at the instance of Thomas Blak, for not finding lawburrows to him under the pain of 4000 merks, (4) one of 15th October last at the instance of Williame Bruice of Symbester for not finding lawburrows to him, under pain of 5000 merks, (5) one of 9th February 1598 at the instance of Williame Bellendin of Garsay, for not paying to him certain teinds, canis and casualties of the subdeanery of Orknay,—and as the said Earl not only remains as yet unrelaxed therefrom, but continues in his work of "horrible murtheris, oppressiones, reiffis and tyranneis" in Orknay and Zetland, commission is given to Andro Bruice of Sandwik, Robert Menteith of Eglischaw, to apprehend the said Earl and keep him in sure ward till he obtain himself relaxed from the said hornings, and till he find caution to underlie the laws for all other complaints against him ; also "to persew and tak his haill houses, castells, maner places, and fortalises." Without place or date, but certified by James Prymrois as having been produced by Robert Menteith on 1st November 1608. 1st Nov. 1608.

Royal Proclamation prohibiting the export of timber or the wasting of the native woods by building new iron mills.

17. "James R.—Whereas skairsitie of woddis and tymber within that oure kingdome hes causit oure subjectis heirtofoir to provyde thameselffis thairof from forrane pairtis, bothe at great raitis and upone licenceis of other princes within whais dominionis the saidis woddis do growe ; and, since in these pairtis of that kingdome, heirtofoir barbarous and savaige in regaird of the inhabitantis, thair is now great quantitie of growing timber and woddis of all sortis discoverit, wherby bothe the countrie within itselff Thetford, 6th Dec. 1608.

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may be sufficientlie furnesed and that treasure gevin out for that provisioun heirtofoir may be retened within thairselffis, it might justlie be condamned for a poynt of small forsight if this commoditie serving to so many uses suld ather be unnecessarlie waisted and consumed or than that saile suld be maid thairof to ony strangeris abroade, and that theirupoun heirefter our subjectis at double or triple raite suld be enforced to sute that provisioun elsewhere; wherin as none ar ignorant bot schipping within our dominionis is bothe necessarye for saiftie, as being one of the most principall bulwarkis and defenses of the Iyland againe all forrane invasioun, and als is expedient and proffitable for trafficque, one of the great meanis of enriching of the same: so, God of his speciall favour and goodnes haveing now laitlie discoverit many riche mynes within that kingdome, unto the fyneing wherof thair is requyred great quantitie of timber, if thair suld not be a caire of keiping of suche necessarye provisioun the refyneing of the ure (whiche we intend salbe done thair) behuifed to be broght from thense; whiche as it wald be no doubt grevous to our good subjectis there, so it wald also discontent us muche. And, becaus the making of the irne within some pairtis of that our kingdome is a great waister and consumer of woddis, whereas we haif now better occasioun, upoun moir choice and proffitable mettall, to mak use thereof, howevir we do not heirby meane to discharge the working of irne in any suche mylneis as ar alredy built and whiche haif bene put in work, it is therefoir oure pleasure and will that intimatioun be maid by opin and publict proclamatioun at the mercat croces of oure burghis of Edinburgh, Perth, Abirdene, Invernes, Striviling, Dumbartane, and all utheris places neidfull, inhibiting and discharging all oure subjectis in that oure kingdome to sell, dispone, or blok with ony forreyner or stranger concerning any woddis or timber within any pairt of that oure kingdome, nor that thay thameselffis transpoirt or cary furth thereof to any pairtis beyound sea any portioun or quantitie of the said timber, nor that ony of thame build ony new irne mylneis in any pairt of these woddis whereby the same may be waisted or consumed for none or veray litle and small use and benefite to the commounwelth, without oure speciall warrand and licence first had and obteyned thereto, as thay will answer to the contrearye at thair perrell, and to be tryed, censured, and punisched as contemneris of oure royall commandementis and enemyes to the commoun benefite and weill of our hole subjectis and estait there.—Gevin at oure Court of Thetfurde the sixt of December 1608.—Alexr. Hay."—Connect with Letter of Council, *ante*, p. 543.

Whitehall, 7th Jan. 1609.

Harbour of Ayr.

18. Original under the sign-manual of the Royal Letter anent the harbour of Ayr, of date Whitehall 7th January 1609, already given *ante*, pp. 546–7, from the official copy.

Whitehall, 9th Jan. 1609.

Royal Commissioners for Convention of Estates.

19. Original under the sign manual of the Royal Letter, of date Whitehall, 9th January 1609, given *ante*, pp. 548–9, appointing the Chancellor Dunfermline and Treasurer Dunbar to be his Majesty's Commissioners in the approaching Convention of Estates.

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Mr Peter Primrose, minister at Crossmichael, and James and John Brown.

20. Petition to the Council by Mr Peter Prymrois, minister at Corsmichell.—The Presbytery of Kirkcudbright having, in consequence of a petition from his parishoners, appointed Mr James Donaldson, minister at Dundrennan, and Mr William Dalzell, minister at Balmaghie, as commissioners for fixing the site of a manse and measuring a glebe for him in the neighbourhood of the kirk, conform to Act of Parliament, James Brown, son of Johnne Brown of Mollance, had, by his father's instigation came armed and violently interrupted the proceedings. He prays that the said two Browns may be summoned to appear and answer.—Indorsed "*Fiat ut petitur*, Lothiane." 1st March 1609.

In the same matter.

21. Petition by the same that the said John Brown of Mollance, his sons John, Jaines, and Anthonie, and William Brown, his brother, be required to give security for his indemnity.—Indorsed as last, with specification of 2000 merks as the penalty for the first, £1000 for the second, and 1000 merks for each of the others. 1st March 1609.

Mr John Dempster against Paul Doig.

22. Petition by Mr Johnne Dempster, advocate, for summons against Paull Dog of Dunrobene, at the horn at petitioner's instance since 24th December last for not paying him 1000 merks as principal, with £100 as for expenses.—Indorsed "*Fiat ut petitur*, R. Cockburne." 1st March 1609.

Patrick and Laurence Oliphant.

23. Petition by Sir Thomas Hamilton of Bynnie, as King's advocate, for summons against Patrick Oliphant in Keny(?), and Laurence Oliphant, his brother, to appear and answer for having habitually, and almost daily, since April last year, gone about carrying hagbuts and pistolets, contrary to the Acts of Parliament.—Indorsed "*Fiat ut petitur*, R. Cockburne." 1st March 1609.

Alexander Irvine of Drum against Lord Forbes and others.

24. Petition by the same, for the King's interest, and by Alexander Irving of Drum and Robert Irving of Glaswell, for their own, as follows:— "Arthour, lord Forbes, be his letters of assuirance subscryvit with his hand, quhairin he took burdyne upoun him for his kin, freindis, men, tennentis, servandis, assistaris, dependaris, and partakeris, assuirit me the said Alexander Irving of Drum, my kin, freindis, men, tennentis, servandis, assistaris, dependaris, and partakeris, to be unhurt, unharmit, unmolestit, troublit, invadit, or in ony way persewit be him and his foersaidis for quhatsomevir deid, caus, or occasioun, utherwise nor be ordour of law and justice, unto the first day of Maii nixtocome, and promittit, band, and oblist him to observe and keepe the said assuirance unviolat in ony point be him or his foersaidis under the pane of perjurie, infamie, and tinsall of perpetuall credite, honnour, and estimatioun in tyme comeing, and forder under the pane of ten thousand merkis, as the said assuirance, being dait the xxv day of May last, actit and registrat in your lordshipis bookes, and your lordshipis decrete interponit thairto, at lenth beiris." Nevertheless, within the time provided for by this assurance, viz., on the 20th February last, as the said Robert Irving, "speciall kinnisman and freind to me the said Alexander Irving of Drum, assister and partaker with me in all my affairis, and my ordinar and propper dependar," was riding peaceably, "without armis, and without company, saulffing his rinnand boy, toward Donesyd, to the Baroun of Brahathwy hous of 1st March 1609.

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Cundlie" the said Lord Forbes, accompanied with Mr David Forbes of Putachie, his brother, William Gariauch, younger of Kinstair, Robert Johnnstoun alias Ding the Devill, Johnne Forbes called of Thanestoun, Lindesay, son of the Laird of Faisdow, Mushett, servitor to the said Lord, and others, to the number of twenty-four persons on horse and foot, all armed, and with hagbuts and pistolets, "umbeset the said Robertis way, and, how soone thay persavit him rydane allane as said is, thay kaist thair clokis from them, brak at him, and with bendit pistolettis in thair handis cheissit him to the said hous of Cundlie, and haid not failit to haif slane him war not he gat releiff within the said house. And they assedgit him within the said house a long space, and in end cryed for fyre, of purpois treasonnablie to haif brynt the said house, war not the good wyff of the hous, feiring the spoill and distructioun of hir movabillis, oppynit the durris and grantit the saidis personis entrie within the same. And, how soone thai enterit thairin, thay disarmed the said Robert, presentit bend pistolettis to his breist, askit of him yf the Laird of Drum or his brether wes thair, threatned him with present death yf he reveillit not quhair thay war, searcheit the haill hous and stoggit beddis to haif gottin thame. And, whenas the good wyff of the house, movit with pitie of my present dangeir, humblie upoun hir kneis besoght the said Lord to spair the said Robertis lyff, the said Lord answerit that he wald spair him at that tyme, quhill he micht apprehend the Laird of Drum or his brether, saying he wald begin at the heid and not at the memberis." The prayer is that Lord Forbes be charged to appear and answer; failing which, to incur the aforesaid pain, one half of the money penalty to go to the King, the other half to the Laird of Drum, "as party grevit."—Signed by the Lord Advocate, and indorsed "*Fiat ut petitur*, R. Cockburne."—For result, see p. 307 *ante*.

Edinburgh, 1st March 1609.

William Piper against Alexander Chalmers and others for evading multures.

25. William Peper, mylner of Eister Tyrie, craves letters of lawburrows against William Cuike in Urmay, William Gray there, Alexander Chalmer, portioner of Tabourtie, David Frissell in Easter Tyrie, William Fraser there, John Chalmer there, Chrystie there, John Yule, James Michell there, Andro Michell there, Alexander Yet there, and Robert Yet there, on the ground that, though "in all tyme bygane past memorie of man astrictit to bring all kynd of cornes and to grind the samyn at the New Eister mylne of Tyrie," belonging to the complainer in wadset, yet they continually abstract their corn and withhold their multures thereof from him.—Indorsed "*Fiat ut petitur*": the penalty for Alexander Chalmer to be 1000 merks, and that for each of the others 500 merks.—Subscribed "Lothian," and countersigned "Jo: Young."

2nd March 1609.

William Rutherfurd against John Penman.

26. Petition by William Rutherfurd, son of James Rutherfurd, burgess of Jedburgh, that Johnne Penman, burgess there, who has conceived malice against him and threatens his life, may be charged to find caution of lawburrows.—Indorsed, "*Fiat ut petitur*, v° lib., R. Cockburne."

Lord Douglas and Lord Ochiltree.

27. Petition by William, Lord Douglas, that Andro, Lord Stewart of Uchiltrie, for whose indemnity he has given assurance and found caution,

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may be charged to give reciprocal assurance for the indemnity of petitioner and his dependents, under the pain of 5000 merks.—Indorsed "*Fiat ut petitur*," by the Chancellor, the petitioner making faith that he dreads bodily harm.

Douglas of Pumpherston and Lord Ochiltree.

28. Similar petition, by Joseph Douglas of Pompharston, similarly endorsed. Having found caution for the indemnity of Lord Uchiltrie, and such of his kin and friends as are not at the horn for the slaughter of the late James, Lord Torthorwald, he prays that the said Lord may be compelled to give reciprocal assurance under pain of £1000. Edinburgh, 2nd March 1609.

James Mure against James Hamilton for a murderous assault and robbery thirteen years ago.

29. Petition by James Mure, in Cultershogill:—In April 1596 he was on his way from the burgh of Lanark to his own house, "in sober and quiet maner, and nakit and without armour," when James Hammyltoun, son of Stewin Hamyltoun, in Mousmilne, "bodin in feir of weir, with sword, gantelet, plaitslevis, and utheris wapponis invasive," knowing that he had then received £60 within the burgh of Lanark, "dernit himself in a secrete place of the hie way," with the following results:—"Or I wes wer of him (being under clud and silence of nicht), he first fellit me dead to the ground with ane great stone; and, as I wes lyand in deadthraw upoun my bak, he pullit up my awne sword, drew the same, and thairwith withall gaif me mony deadlie woundis upoun my head, shoulderis, and legis, and gaf me divers straikis upoun the face, to the effect I micht be unknawin, to the great effusioun of my blood, and left me for dead, belevand assuiredlie I haid bene slane,—utherwise he haid not left me untill he haid murdreist me,—and than took from me my purs and the said soume of iij^{xx} li., being thairin, with my sword: efter the committing quhairof, persaving I wes on lyfe, for eshewing of punishment he depairtit furth of this realme to the countrey of Flanderis, quhair he hes evir remainit sensyne, quhill now of lait he is returnit againe."—Petitioner craves letters of charge against the said James Hamilton. Indorsed "*Fiat ut petitur*, R. Cokburne." Edinburgh, 2nd March 1609.

Masie Kilgour and others against George Halket.

30. Petition by Masie Kilgour, as relict, and James, Henry, and David Dorkeis, as sons, with the remanent bairns, kin, and friends, of the deceased David Dorkie, merchant burgess of Dysart, for summons against George Halket, younger, mariner, burgess of the said burgh, put to the horn at their instance on the 14th of January last for not finding caution for his compearance before the Justice, for art and part of the slaughter of the said David.—Indorsed "*Fiat ut petitur*, R. Cokburne." Edinburgh, 2nd March 1609.

John Dempster against Margaret Hutton and Margaret Ballingall.

31. Petition by John Dempstar, burgess of Kirkaldy, for summons against Arthour Inglis, in Linktoun of Abbotshall, and Mr Walter Ballingall, indweller in Falkland, requiring them to present Margaret Huttoun, servitrice to the said Inglis, and Margaret Ballingall, now servitrice to the said Mr Walter, the said servants having been put to the horn at the pursuer's instance, on the 4th and 9th days of February instant, for not compearing before Alexander, Earl of Dunfermline, and his deputes, to underlie the law for the murder of James Dempstar, pursuer's son.—Indorsed "*Fiat ut petitur*, R. Cokburne." Edinburgh, 3rd March 1609.

Edinburgh, 3rd March 1609.

32. Petition by Jonet Wauchope, in the Canongate, for suspension of horning against her by Captain William Rig for non-compearance before the Council, on the ground that she was not lawfully charged.—Indorsed "*Fiat summonitio ut petitur* to the nynt day of Marche instant, and to suspend, discharge, and relax *ut infra* quhill the last day of the same, because she has found caution under the pane of j^{c} merkis, as alsua for payment of ten ℔. for hir escheit.—R. Cokburne." Miscellaneous Papers. Janet Wauchope for suspension of horning.

Edinburgh, 4th March 1609.

33. Petition of David Russell in Torrieburne, and Masie Fothringhame, his wife, as follows:—"Upon the day of Andro Wairdlaw of Torrie, with Robert Broid, Robert M^{c}Nab, and Johne Dalgleishe, his servitouris, all bodin in feir of weir with swordis, gantelettis, plaitsleivis, and utheris wapponis invasive, come to oure landis in the hauch and bra of Torrieburne, quhair myn (said Davidis) pleugh wes gangand teilland the same landis for the tyme in sober maner; and thair the said Robert Broid, in presence of the said laird of Torrie, and of his speciall command and directioun, and with ane great ax and uther instrumentis brocht with thame, cuttit the said pleugh in small peicis. And, upoun the secund day of Marche instant, the said laird of Torrie, accompanyed with Alexander Greg, Edward Hound, and George , his servitoris, come to my duelling-house in Torrieburne, and [with] foir-hammeris first violentlie brak up my stable dure and maisterfullie and perforce took away with thame ane blak horse of myn, and than pat violent hand on my said spous; and the said laird of Torrie, with ane great roung, shamfullie and unhonnestlie gaf hir a great straik upoun the head, to the effusioun of hir blod in great quantitie, and left hir for dead."—Summons is craved against the said persons.—Indorsed "*Fiat ut petitur*, R. Cokburne." David Russell and his wife against Andrew Wardlaw and others for oppression and assault.

Edinburgh, 4th March 1609.

34. Petition of James Fenton of Wester Ogill, Jonet Robertsone, his spouse, and James Fentoun, his son and apparent heir, for letters of charge against William Guthrie in Balfour, and Elizabeth Fethie, his spouse, who were put to the horn by the petitioners on 16th of June last for not fulfilling a contract dated 9th October 1607, and particularly for not procuring and delivering to petitioners an acquittance and renunciation subscribed by David Lindesay, fear of Waine, and failing to pay to petitioners 500 merks.—Indorsed "*Fiat ut petitur*, R. Cokburne." James Fenton and his wife against William Guthrie and his wife.

Edinburgh, 4th March 1609.

35. Petition of William Rutherfurd, son of James Rutherfurd, burgess of Jedburgh, for suspension of horning raised against him by John Penman, burgess of Jedburgh, for not compearing before their lordships to answer to the charge of hurting and wounding the said John Penman "behind his back with ane sockit lance." He pleads that he was not lawfully summoned.—Indorsed "*Fiat ut petitur*, to the sext day of Aprile nixt," petitioner having found caution in 300 merks, and for payment to the Treasurer of £20 for his escheat goods.—Subscribed R. Cokburne. William Rutherford for suspension of horning.

Edinburgh, 4th March 1609.

36. Petition of William Currie in Torrieburne for letters of charge against David Batsone in Cluny Craig, put to the horn by the petitioner on the 18th of July last for non-payment to him of 16 bolls of "cheritit beir," with 3 firlots 2 pecks "rynning mett beir as the cheritie of xiiij bollis William Currie against David Batson.

Miscellaneous Papers.

beir" delivered by the said David in part payment of 30 bolls due to the petitioner, or of £10 for each boll, with £10 of expense of plea, and 40s. paid to the Lords' collector.—Indorsed "*Fiat ut petitur*, R. Cokburne."

In re the approaching Trial of Lord Maxwell.

37. Sir Thomas Hamilton of Bynnie, King's advocate, craves letters for summoning witnesses in the process of forfaulture against John, lord Maxwell, to be tried before the Parliament to meet at Edinburgh on the 12th day of April next.—Indorsed "*Fiat ut petitur*, Doumbar." Edinburgh, 6th March 1609.

In re the approaching trials of Lord Maxwell and the deceased Logan of Restalrig.

38. Sir Thomas Hamilton of Bynnie, King's advocate, craves relaxation of John, lord Maxwell, and Robert Logane, son and apparent heir of the deceased Robert Logane of Restalrig, from the hornings raised against them, in order that they may be free to compear personally before the Parliament on the 12th of April next to answer to the charges of treason alleged against the said lord Maxwell and the said deceased Robert Logane.—Indorsed "*Fiat ut petitur*, Doumbar." Edinburgh, 6th March 1609.

A Burgess of Peebles against the Bailies thereof.

39. Petition by a burgess of Peebles (not named) for letters against the bailies of Peebles for his illegal imprisonment in the tolbooth of the said burgh, and for charge to them to "present and exhibite" him before their lordships.—Indorsed "*Fiat ut petitur*, R. Cokburne." Edinburgh, 7th March 1609.

William Donaldson and his mother against David Leslie and Mr John Caldcleuch.

40. Petition by William Donaldson, second son of the deceased Mr James Donaldson, advocate, and by Marioun Fisher, mother and tutrix testamentar to the said William, for summons against David Leslie of Otterstoun, and Mr John Caldcleuch, minister, who were put to the horn for debt at the petitioners' instance on the 18th and 20th days of February last.—Indorsed "*Fiat ut petitur*, R. Cokburne." Edinburgh, 7th March 1609.

Robert Crawford against Sir George Elphinston and Walter Murray.

41. Petition by Robert Craufurd of Possill for summons against Sir George Elphinstoun of Blythiswode, and Walter Murray, chamberlain of Methven, put to the horn on 21st and 28th of February last for non-payment to the petitioner of 6000 merks, with 600 merks of expenses.—Indorsed "*Fiat ut petitur*, R. Cokburne." Edinburgh, 8th March 1609.

Gordon of Avachie and his son for suspension of horning.

42. Petition of John Gordon of Avachie, elder, and John his son and apparent heir, for suspension of their horning, at the instance of the deceased Walter Currour of Inshedrour, for non-compearance to answer a charge of "invaiding and persewing" of Thomas Norie, Thomas Marshall, and Robert Mair, servants of said Walter, and "hurting and wounding of thame in divers partis of thair body," and also "stryking and dinging" of Andro Barclay and Andro Mair, also his servants,—said servants then executing certain letters purchased against the petitioners by the said Walter. Their plea is that they had not been lawfully summoned.—Indorsed "*Fiat summonitio ut petitur* to the xviij day of May nixtocome," each of the petitioners having found caution in 1000 merks, and for £100 each for their escheat goods.—Subscribed "Al: Cancell^{s}, Tungland." Edinburgh, 9th March 1609.

William Bain against James Ross for assault.

43. Petition of William Baine, servitor to Mr John Ros, minister at Logy, for summons against James Ros, portioner of Midganie, who, "forgathering" with him "bodin in feir of weir," had fiercely set upon him "with a drawin durk," and, giving him "tua deadlie woundis thairwith," had left him for dead, and taken away his plaid.—Indorsed "*Fiat ut petitur*, R. Cokburne." Edinburgh, 10th March 1609.

Edinburgh, 10th March 1609.

44. Petition of Katherine Moir, servant to Isobell Jaffray, indweller in Aberdeen, for summons against Robert Simpsoun in Gilcomstoun:—On the last day of January last, when she was in the house of John Lindsay, indweller in the said burgh, about her "lesum effairis," the said Robert entered the house, and "hurt, strak, and dang" her with his sword-scabbard, and with his feet, "in bak, bellie, and utheris parts of her body and womb," of purpose to slay her. "Not content thairwith," he, with John Lamb, his servant, on the 3d of February last, came to her master's dwelling house in the Green, and, having craftily called her forth to the close, again "strak and dang" her with the guards of his sword on the head and other parts of the body, and left her for dead. — Indorsed "*Fiat ut petitur*, R. Cokburne."

Miscellaneous Papers. Katherine Moir against Robert Simpson for assault.

Edinburgh, 10th March 1609.

45. Petition of Thomas Gelletlie, servitor to umquhile Jonet Chisholme, lady Kinfawnes, for summons against Sir Harie Lindesay of Kinfawnes and others, who, on the 8th of March instant, "all bodin in feir of wearre," came to the dwelling house of John Powrie, burgess of Perth, "violentlie enterit," apprehended complainer, and carried him captive to the place of Kinfawnes, where he is still detained without just cause, "as yf he were a notable malefactour."—Indorsed "*Fiat ut petitur*, R. Cokburne."

Thomas Gelletlie against Sir Harry Lindsay of Kinfauns for illegal imprisonment.

Edinburgh, 10th March 1609.

46. Petition of John Daes, burgess of Cupar in Fife, for summons against George Allerdes of Skeddowie, at the horn since the last day of February last for non-payment to petitioner of a debt of 130 merks.—Indorsed "*Fiat ut petitur*, R. Cokburne."

John Deas against George Allardyce.

Edinburgh, 10th March 1609.

47. Petition of William Robertsoun in Kincledy for summons against William Caldstreame at the mill of Garrok, and Harie, Walter, and William, his sons, who "umbesett" his way while he went from his house in Kincledy by the high way towards the town and lands of Clevage, and, setting upon him with drawn swords, gave him "a deadlie straik in the head," and "cuttit his harne pan," and "straik him to the eard, and with great stingis gaf him mony bauch and bla straik," leaving him for dead, so that he has "lyine continewallie bedfast sensyne."—Indorsed "*Fiat ut petitur*, R. Cokburne."

William Robertson against William Coldstream for assault.

Edinburgh, 11th March 1609.

48. Petition of Sir Thomas Kirkpatrik of Cloisburne, knight, for summons against Thomas Kirkpatrik, younger of Cloisburne, William Blak in Quhytspotis, and John Kirkpatrik there, put to the horn on 17th February last for not removing from the 20s. land of Quhytspotis, pertaining to the complainer,—the said Thomas Kirkpatrik, younger, having also on the said 17th of February been put to the horn for not producing before the Council a reversion granted by umquhile John Carmichaell of Medowflat to umquhile Roger Kirkpatrik of Cloisburne, father of the complainer, and to the latter and his heirs, for redemption of the two merk land of Glengaber for the sum of eight score pounds, which reversion the complainer had delivered to the said Thomas Kirkpatrik, younger, for custody.—Indorsed "*Fiat ut petitur*, R. Cokburne."

Sir Thomas Kirkpatrick of Closeburn against his son.

Edinburgh, 11th March 1609.

49. Petition of Walter Callendar of Bordie for summons against Cumming, portioner of Lurg:—Having "consavit a deadlie malice and

Walter Callendar against Cumming for oppression.

Miscellaneous Papers.

hatrent" against petitioner, Cumming came to his lands of Bordie, on the 8th day of May last, and "houndit his dogis" at the complainer's lambs and other sheep feeding there for the time, and "barbourouslie wirreit and slewe" 18 of the said lambs. Again, on 2nd January last, Cumming, son of the former, by his father's "speciall causing," came to the said lands, and with his father's dogs "wirreit and slewe to the nomber of aucht yowis, and sa houndit and chassit the remanent" of his flock that "the maist pairt thairof sensyne ar dead." Also the said Cummings "daylie bragis, boistis, shoiris, and minassis" Henry Conning and John Skrogie, the complainer's tenants, "and avowis to haif thair lyveis." —Indorsed "*Fiat ut petitur*, R. Cokburne."

Mr Patrick Orme, œconomus of the New College, St Andrews, against certain defaulters.

50. Petition of Mr Patrick Orme, now œconomus of the New College of St Andrews, as follows:—On 22nd December last, "Robert Fullartoun in Litle Perth, Charles Murray there, George Thomsoun in Nather Conan, James Strauchin there, , relict of umquhile John Clerk there, William Carnegie in Over Conan, John Smyth in the Hill of Conan, Walter Jamesoune in Ballathie Mure, William Mill there, John Hepburne in the Muretown, Thomas and John Fettous there, James Thomsone in Wester Perth, John Gorhame in Mekle Perth, John Robert there, James and Thomas Lowis there, James Low in the Hill, David Beatoun in Carsgownie, David Lindesay of Coralhill, William Lyoun in Nather Balgillo, Alexander Cockburne in Mekle Balgillo, Thomas Persone in Turphachie, James Clerk in Litle Coull, and Issobell Clerk, relict of umquhile John Lyoun in Nather Kynnatie," were put to the horn, at complainer's instance, for failing to pay their respective parts of the prices of every boll of victual "wrangouslie spulzeit be tham" off the lands specified in the letters, in terms of decreet of the Commissary of St Andrews on 26th November 1607. He therefore craves letters of charge to the sheriffs of Edinburgh, Fife, Forfar, Perth, and Kincardine, and provosts and bailies of the burghs of said shires, etc., for apprehension of the delinquents.—Indorsed "*Fiat ut petitur*, R. Cokburne." Edinburgh, 11th March 1609.

Michael Dalrymple for suspension of horning.

51. Petition of Michaell Dalrumple, burgess of Ayr, for suspension of horning against him by the King's advocate, and by David Ferguson, provost, John Jamesoun and George Cochran, bailies, of Ayr, John Oisburne, David Craufurd, Joseph Miller, advocate, and James Johnstoun, curators to William, Janet, and Elizabeth Rysydes, bairns of the deceased William Rysyde, burgess of Ayr, and the said children for their interest, for his non-compearance before the Council, to answer to the charge of having come, armed with "hagbutis and pistolettis," to the "merchand buith" of the said William Rysyde, in Ayr, broken up the door, and reft and awaytaken "the haill merchand geir being within the same." He pleads that he had not been lawfully charged to appear. — Indorsed "*Fiat summonitio ut petitur*" to the 18th of May next, the complainer having found caution.—Subscribed "R. Cokburne." Edinburgh, 11th March 1609.

John Hog and his son against a number of persons.

52. Petition of John Hog, portioner of Auld Roxburgh, and William, his son and apparent heir, for summons against "George Tait of Bairers, Edinburgh, 13th March 1609.

David Tait of the Know, Thomas Tait in Yettem, Umphra Tait thair, Stephane Tait thair, David Tait thair, George Tait of Schotten, Stevin Burne of the Both, William Tait, bruther sone to Gilbert Tait in Yettem, Henry Tait in Boig, Robert Tait, his sone, George Tait in Stankfurd, William Tait in Yettem, Gilbert Tait thair, David Tait thair, David, William, Robert, and George Taitis, sones to the said David, callit of the Know, William Tait, oy [to] the said David, John Tait in Shotten, William Young of Feltershawis, and William Young, his sone, William Burne, sone to Stevin Burne in Both," all put to the horn on 15th September last, at the instance of the complainers, for not finding sufficient cautions acted in their lordships' books for their indemnity.—Indorsed "*Fiat ut petitur*, R. Cokburne." Miscellaneous Papers.

Edinburgh, 13th March 1609.

53. Petition of Alexander Chalmer in Logy that, as Robert Cunynghame in Orquhart, David Cunynghame in Phymaris, Andro Cunynghame, his son, William Cunynghame in Crosfurd, William Lugton in Dunfermeling, David Austiane at the mill of Mylnehillis, James Austiane, his son, William Sanders, servant to Andro Murray of Windmylnehill, have "consavit ane deidlie haitrent and malice" against him and have daily threatened his life, he may have letters charging them to find caution in their lordships' books for the indemnity of himself and his tenants.—Indorsed "*Fiat ut petitur*, ilkane of the personis within complenit upoun undir the pane of v° merkis, P. Rollok." Alexander Chalmers against certain persons.

Edinburgh, 13th March 1609.

54. Petition of James, lord of Beulie, as follows:—"Umquhile Alexander Monypenny of Kinkell, and Margaret Anstrother, his spous, haveing sauld and disponit to me heritablie the landis of Eister and Wester Kingask, lyand within the regalitie of Sanct Androis and shirefdome of Fyffe, for certane grite soumes of money, thankfullie payit and deliverit be me to thame for the samin, and I being realie and actualie possest with the saidis landis, and having broukit and injoyed the same most peaceablie thir mony yeiris bigane, and being nowayes oblist nor bundin in dewytie nor conscience to acknowlege the bairnis of the said umquhile Alexander with ony forder gratitude beyond commoun dewyteis of freindship, yet, upoun consideratioun of the estate and conditioun of Thomas Monypenny, now of Kinkell, sone and air of the said umquhile Alexander, I gaf unto him ane new contentment and satisfactioun for his kyndnes; quhairwith he not onlie restit fullie satisfeit, but with that he be his letter subscryvit with his hand ratifeit and approved the infeftment, alienatioun and dispositioun maid to me of the said landis, with the contractis quhairupoun the same proceidit, and wes content and consentit that I sould outher brouk and injoy thame my selff or sell the same to my best advantage, as his said letter here present to shaw beris. And now, I having occasioun to annalie or wadset my saidis landis, and being in bloking with sindrie personis thairanent, the said Thomas, upoun notice thairof, has most undeutifullie, aganis his faith, promeis, and conditioun, and without all pretence of law, reason, or justice, bostit and minassit the personis whome I have bene in bloking [with] for the saidis landis, shoiring and The Lord of Bewlie against Thomas Monypenny of Kinkell for illegal interference with the sale of certain lands.

Miscellaneous Papers.

avowing to haif thair lyves, and to lay the landis waist, yf they mell thairuith, sua that no man dar blok or bargain with me thairanent for feir of the said Thomas."—Therefore he craves summons against the said Thomas. —Indorsed "*Fiat ut petitur*, R. Cokburn."—See p. 268, *ante*.

William Caithcart for suspension of horning.

55. Petition by William Caithcart of Bardarroch, for suspension of horning in reference to the same matter as in the complaint of Michael Dalrymple (see above under 11th March), and decree in similar terms. Edinburgh, 13th March 1609.

William Leys, burgess of Edinburgh, against certain persons for harbouring Uchtred M°Dougall, at the horn for debt to him.

56. Petition of William Leyis, merchant burgess of Edinburgh, for letters inhibiting "John M°Dowell of Garthland, M°Dowell of Logane, John M°Dowell of Freuch, Alexander M°Dowell of Kildonane, Patrik M°Dowell, tutor of Freuch, M°Dowell of Machrymoir, Uthred M°Dowell, brother to the laird of Logane, Gilbert M°Dowell of Ervie, John M°Dowell, elder, of Keremanoch, and M°Dowell, apparent thairof, Fergus M°Dowell of Dunans, M°Dowell of Cargill, Euphame Dumbar, Lady Garthland, Hew Kennedy of Chapell, John Kennedy of Balneill, Gilbert Kennedy, his son, Robert Bentoun, ostler in Stranerawer, William Young, oistler thair, Gilbert Mure thair, James M°Kynell, ostler thair, Uchtred M°Kie, oistler in Innermessane, John Kennedy, smyth, ostler thair, Michaell Wallace, ostler thair, James Kennedy, oistler thair, Martene M°Nelie, ostler thair, James Neilsone, oistler at the Inche, William Boyd of Ardcrocher, James Mure in Innermessane, John Kennedy of Carlok, Gilbert Boyd of Killurpedy, Patrik Agnew of Seuchane, Andro Agnew, shireff of Wigtoun, Patrick Agnew, his sone, Patrick and Andro Agnews, his sones, John Agnew in Blair, James Stewart of Previck, Sir John Vaus of Barnebarroch, Thomas Hay of Perk, Stewart of Clary, Dunbar of Baldone, Gordoun, oistler at the abbey of Glenluce, Donald Edger, ostler at the kirk of Luce, Adam Hog in Ballintray, John Mure, smyth thair, Helen Kennedy, oistler in Mayboll, John Kennedy, noter thair, William Smyth, ostler there," from harbouring and entertaining Uthred M°Dougall of Mundurk, who was put to the horn by complainer on 5th December 1608 for a debt of 1000 merks.—Indorsed "*Fiat ut petitur:* the Lairdis of Garthland, Barnbarroch, the lady Garthland, Freuch, Logane, and Perk, ilkane of thame v^c merkis; the saidis Alexander M°Dowell of Kildonane, M°Dowell of Machrymoir, Gilbert M°Dowell of Ervie, John M°Dowell, elder, of Keremanoch, M°Dowell, younger thairof, Fergus M°Dowell of Dunans, M°Dowell of Cargill, Hew Kennedy of Chapell, John Kennedy of Balneill, William Boyd of Ardcrochir, John Kennedy of Carlok, Gilbert Boyd of Killurpedy, Patrik Agnew of Sewchane, the shireff of Wigtoun, his eldest sone, James Stewart of Previck, Stewart of Clary, Dumbar of Baldone, ilkane of thame iij^c merkis; and ilkane of the rest j^c li.—P. Rollok." Edinburgh, 13th March 1609.

William Wilson against Robert Bartilmo and his wife.

57. Petition of William Wilson, tailor in Leith, for summons against Robert Bartilmo, indweller in Leith, and Mariom Muirhead, his spouse, put to the horn on 13th March instant for non-payment to him of Edinburgh, 14th March 1609.

£116 of principal, with £10 of expenses.—Indorsed "*Fiat ut petitur*, P. Rollok." Miscellaneous Papers.

Edinburgh, 14th March 1609. 58. Petition of Sir David Lindsay of Edzell, knight, for suspension of a commission under the King's hand, purchased by David, Earl of Crawfurd, to himself, and David Gairdin of Latoun, and Thomas Lyell of Murthill, for the pursuit and apprehension of David Lindsay, apparent of Edzell, and his complices, who are at the horn for the slaughter of the Lord of Spynie. The said commission contains "mony ample conditions, as namelie the assegeing of houses, the rasing of fyre, dispensatioun with quhatsomevir inconvenient sall fall oute in the executioun thairof"; and, as the said Earl and the other commissioners, "who are all his awne servandis, followaris and dependaris," intend to execute the commission against complainer, and, "under cullour of searcheing and seiking" for his son, to extend their "haitrent and malice" against himself, using his Majesty's authority "as a cloke to cover thair awne particular querrellis," and meaning, as the complainer is informed, not only to search his house of Edzell, where his "haill evidentis, letteris, writtis and movables" are, but also his "awne dwelling house in this burgh," there is likelihood that, if he "sall mak resistance and refuse thame entree," they "will not faill to rais fyre, and, being maisteris of his house, to take his life."—Indorsed "*Fiat summonitio ut petitur*, to the xx day of Aprile nixt, and to suspend and discharge *ut infra* to the last day of the same moneth.—Al: Cancell." Sir David Lindsay of Edzell for suspension of commission to the Earl of Crawford and others for search for petitioner's son in petitioner's houses.

Edinburgh, 14th March 1609. 59. Petition of Cristiane Robertsone in Auld Aberdeen, and John Blak, her spouse, as follows:—Upon day of last, when the said Cristiane was in her own yard "within the said citie of Auld Aberdeen," expecting no harm, Patrik Burnet in Auld Aberdeen, with William Burnet, his brother, and David Gordoun, his servitor, "bodin in feir of weir, with quhingeris, forkis, and dageris," assaulted her, and "with a great fork" gave her "mony bauch and bla straiks" on the face and shoulders, kicking her besides upoun "the leask and bellie," and leaving her for dead. She craves summons against the offenders.—Indorsed "*Fiat ut petitur*, P. Rollok." Christian Robertson in Old Aberdeen against Patrick Burnet and and others for assault.

Edinburgh, 14th March 1609. 60. Petition of Andrew, lord Stewart of Uchiltree, for letters of horning against Cunnynghame of Bonytoun and Wilkine Johnstoun, who, having been ordained by their lordships to remain "in waird within the burgh of Edinburgh ay and quhill thay subscryvit and deliverit" a letter of assurance to the complainer, havè nevertheless "departit furth of this burgh and hes repairit hame to thair awne houses," without giving the said assurance.—Indorsed "*Fiat ut petitur*, Al: Cancell." Lord Ochiltree against certain persons.

Edinburgh, 14th March 1609. 61. Petition of Mr Robert M°Gill, servitor to Sir George Elphingstoun of , for suspension of horning raised by the provost and bailies of Glasgow against him for his "not entering within the tolbuith of this burgh," therein to have remained at his own expense till his trial for his alleged resisting of James Inglis, one of the bailies of Glasgow, while said bailie was conveying Thomas Patersone, indweller there, to the Mr Robert M'Gill for suspension of horning for insolence to one of the Bailies of Glasgow: incident in the dispute

Miscellaneous Papers. between Sir George Elphinston and the Glasgow municipality.

tolbooth, and for rescuing the said Patersone, "upbraiding of the said baillie with mony injurious and reproachfull speiches, calling him 'skable and deboishit schonger,' and with ane drawin dager invading and persewing him of his lyfe." Inasmuch as, for obedience of the said charge, the complainer had entered in ward within the tolbooth of Edinburgh, where he now is, he pleads that he ought to be relaxed from the process of horning and set at liberty, the rather because "all the ylistis, differencis, and controverseis" between the said provost and bailies and the said Sir George Elphingstoun (to whom the complainer is "man, tennent, and servand") have been "amicablie submittit" to James, Earl of Abercorne, and the Archbisbishop of Glasgow, and the wrong alleged against the said Mr Robert is understood to be comprehended in said submission. —Indorsed "*Fiat summonitio ut petitur* to the xvi day of Marche instant, and to suspend and relax *ut infra* to the last day of the same moneth.—Al: Cancell."

Robert Patison against Thomas Goldie for assault.

62. Petition of Robert Patiesoun, burgess of Drumfreis, for summons against Thomas Goldie, burgess of the said burgh, who, on the 23rd of February last, upon malice conceived against petitioner, had awaited him "in a close head of the said burgh with ane drawin quhinger under his clok," given him "a deadlie straik thairwith above the richt paip," and "left him for dead."—Indorsed "*Fiat ut petitur*, P. Rollok." Edinburgh, 14th March 1609.

William Cairncross against Alexander Home.

63. Petition of William Caircroce of Colmeslie, for summons against Alexander Home of Snuk, who on 19th July 1607 was put to the horn at the complainer's instance for non-payment of a yearly duty of 200 merks as cautioner for the deceased Alexander Home of Manderstoun in terms of contract of date 18th & 28th May 1578.—Indorsed "*Fiat ut petitur*, P. Rollok." Edinburgh, 14th March 1609.

Thomas Davidson, notary in Aberdeen, against John George and others.

64. Petition of Thomas Davidssone, notary, indweller in Aberdeen, for summons against John George, burgess of said burgh, Robert George, his brother, John Merser, their servant, and Valentine Davidsone, *alias* Flager, there, who, on 8th August last, came armed, and in "a tumultuous unseamelie maner," to the complainer and his servants, who were then "bigging ane stone dyk" upon his own proper heritage in the said burgh, and there set upon them with swords, halberts and other weapons, and not only "strak and dang" them on divers parts of the body, but "violentlie and perforce kaist doun the said stone dyke."—Indorsed "*Fiat ut petitur*, P. Rollok." Edinburgh, 14th March 1609.

Henry Osburne and Robert Dalrymple for suspension of horning.

65. Petition of Henry Oisburne and Robert Dalrumple, merchants, burgesses of Ayr, for suspension of horning against them at the instance of James Kennedy of Culzeane for their alleged non-compearance before their lordships to answer for "resetting, suppleing, and intercommuning" with Thomas M°Alexander, now at the horn "for the slauchter and murthour of umquhile Sir Thomas Kennedy of Culzeane." They had not been lawfully charged; "and, yf ony pretendit charge may be allegit to haif bene execute aganis ws, the same wes usit at our dwelling houses in our absence, quhileas we wer upoun the seas in oure course toward the Edinburgh, 15th March 1609.

realme of France, quhair we presentlie remane." They are content, however, to find caution for their compearance the first Thursday after their return.—Indorsed "*Fiat summonitio ut petitur*" to the 25 May next, with suspension to the last day thereof, caution being found under 300 merks.—"R. Cokburne." Miscellaneous Papers.

Edinburgh, 15th March 1609.

66. Petition of Andro Nicolsoun, "tymmerman," for suspension of horning, at the instance of William Cuthill, tailor in Leith, , his spouse, James Downye, boatman there, and Robert Orrok, son to David Orrok in Leith, for not compearing to answer for his "allegit cuming undir nicht, bodin with suordis and utheris waponis invasive, to the said William Cuthills dwelling hous, quhair his said spous, with the said James Downye, war at supper, invaiding thame of thair lyvis, hurting and wounding of the said W^m^ Downy in his hand, and the said Robert Orrok in the heid, his left hand, and shaikle baine." Petitioner is altogether innocent of the alleged offences, "being nouther present at that tyme nor at na uther tyme being in thair companye nor societie quhan sic maisterfull ryotis fell out amangis thame." He remained in the country only ten or twelve days after the "committing of the said ryot be utheris upoun thame," and shortly afterwards "maid saill and veyage furth of the cuntreye," so that he had no intimation of the charge; and he now engages to find caution for his compearance, and for his escheat goods.—Indorsed "*Fiat summonitio ut petitur* to the last day of Marche instant": suspension till the 10th of April following, caution being found under 200 merks, and 20 merks for the escheat.—Subscribed "Lothiane." Andrew Nicolson for suspension of horning for alleged assault.

Edinburgh, 15th March 1609.

67. Petition of John Clepan, servitor to his Majesty, and Thomas Edgar, messenger, for summons against Thomas Ramsay of Balmonth and others, in the following circumstances:—Ramsay being indebted to the said Clepan in 300 merks, for which letters of poinding were raised, and the said messenger, in virtue thereof, having seized "within a chalmer of the dwelling house of Stewart, maistres nureis," on the 15th of March instant, "threttene wobis of Inglishe cloath of divers collouris," pertaining to the said Ramsay, for apprising thereof at the "croce" of Edinburgh, the said Ramsay, with "Thomas Ramsay, his uncle, and Hammyltoun, his servitoris, bodin in feir of weir," entered the said chamber, put violent hands on the messenger, "reft and away-took the haill wobis of cloath," and so deforced said messenger in his office.—Indorsed "*Fiat ut petitur*, P. Rollok." John Clephane and Thomas Edgar against Thomas Ramsay and others for deforcement.

Edinburgh, 15th March 1609.

68. Complaint to the Council, beginning in these terms:—"Humblie meanis and shawis we your servitoris, John Leslie of Wairdes, John Leslie, apperand of Balquhan, William Leslie in Tochir, Robert Leslie in Denheid, Andro Leslie in Brigend, Patrik, Bartill, and John Leslies in Chappeltoun of Leslie, John Leslie of Duncanstoun, John Leslie in Durnoch, and William Leslie, servitor to me the said John Leslie, apperand of Balquhan, that, quhair we ar chargit, be vertew of letters raisit at the instance of John Leyth of Harthill, John Leyth, his sone and apperand air, Patrik Leyth, also his sone, George Leyth in Ardownie, to find sufficient cautioun Leslie of Wardes and others for modification of penalties.

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and souirtie actit in your lordshipps bookis for thair indempnities under the panes following:—viz., we the saidis lairdis of Balquhan and Wairdes aither of us undir the pane of four thousand merkis, and ilk ane of the remanent complineris undir the pane of fyve hundreth merkis, within a certane short space, undir the pane of rebellioun," etc. These pains the complainers affirm to be "verie extraordiner and great, fer abone the soumes appointit be the act of parliament maid anent the modification of panes of lawborrowis"; and therefore they crave suspension of the said letters.—Indorsed "*Fiat summonitio ut petitur*, to the fourt day of May nixt," with suspension to the last day thereof, the complainers having found caution.—Subscribed "P. Rollok."

Robert Leslie in Denhead and others for lawburrows against Leith of Harthill and others.

69. Petition of Robert Leslie in Denheid, William Leslie in Tocher, John Smyth there, Henry Bar there, William Abircrombie in Kennellis of Durnoche, Walter Dune of Raitie, for letters of lawborrows against John Leith of Harthill, elder, and John Leith, younger of Harthill, his eldest son and apparent heir, Patrik Leith of the Kirktoun of Rane, George Leith of Ovirhall, John Leith, portioner of Premnay, Alexander Leith, portioner of Auchingethill, Patrik Leith of Durlethie, John Leith of Montgarie, George Leith in Ardone, Walter Leith, brother german to the said George Leith of Ovirhall, Gilbert Leith in Ardone, Adam and William Leiths, brothers to the said Alexander Leith of Auchingeithill, William Leith in Dallochie, John and Patrick Leiths, his sons, Walter Leith in Little Raittie, William Leith in Curtestoun, William Leith in Carnecros, John Leith in Tullymilne, Alexander Leith there, Gilbert Leith in Premnay, George Leith in Auchlene, William Lindsay in Braidfurde, who, by themselves and their servants, "daylie trubillis and molestis" the petitioners and their tenants and servants, so that they are "not abill to travell in the countrie for doing of thair leasum effairis for feir of their lyf."—Indorsed "*Fiat ut petitur:* the goodman of Harthill elder and younger ather of thame under the pane of j^m li.; Patrick Leyth of Kirktoun of Rane, George Leyth of Ovirhall, John Leyth, portioner of Premnay, Alexander Leyth of Auchingethill, Patrik Leyth of Durlethin, and Johne Leyth of Montgarie, ilk ane of thame undir the pane of j^m merkis; and ilk ane of the remanent personis above complenit upoun under the pane of v^c merkis.—P. Rollok." Edinburgh, 16th March 1609.

Ferguson of Craigdarroch for lawburrows against Thomas Ferguson and another.

70. Petition of John Fergusoun of Craigdarroch for lawburrows against Thomas Fergusoun in Chappel, Mark and John M^cCubin in Cammanell, who, having conceived "ane malice and haitrent" against petitioner, daily "keipis, hirdis and pasturis" their cattle upon his lands, and so "dittis, trampis and distroyis the girs and cornes" that the lands are made "verie unproffitable." — Indorsed "*Fiat ut petitur*, ather of the twa personis within complenit upoun under the pane of v^c merks.—P. Rollok." Edinburgh, 16th March 1609.

Lord Elphinstone against Gordon of Gicht and others.

71. Petition of Alexander, lord Elphingstoun, for letters against George Gordoun of Geycht, James Gordoun, apparent of Newtoun, John Gordoun of Gordoun (*sic*) of Ardlogie, James Dempster of Murehous, Robert Edinburgh, 16th March 1609.

Dempster in Cushny, John Chalmer in Drumbulg, George Chalmer in Noth, for resetting and supplying John Meldrum of Ordley, who, on 13th May 1607, was put to the horn, at complainer's instance, for not obtempering the decreet obtained by Andro Meldrum, now of Drumbrek, before the Lords of Council and Session on 14th March 1607, and for not restoring to complainer, as assignee to the said Andro, the "insicht plenishing, evidentis," etc., mentioned in said decreet, with 20 merks of expense of plea, and £5 to the Lords' collectors.—Indorsed, "*Fiat ut petitur*, the lairdis of Geycht and Newtoun ather of thame v^{c} merkis, and ilk ane of the remanent personis under the pane of iij^{c} merkis, P. Rollok." Miscellaneous Papers.

Edinburgh, 17th March 1609.

72. Petition of David Ramsay, burgess of Arbroath, for summons against Gilbert Gairdin, burgess there, who, having conceived "a malice and haitrent" against complainer, lately came to his barn yard, "and in a most insolent maner kaist doun a corne stak, away-led and disponit upon the same, and committis mony uther points of oppression" upon the complainer.—Indorsed "*Fiat ut petitur*, under the pane of v^{c} merkis, P. Rollok." David Ramsay against Gilbert Garden for oppression.

Edinburgh, 17th March 1609.

73. Complaint by Sir Thomas Hammyltoun of Bynnie, King's Advocate, as follows:—"Albeit thair be proclamationis maid and publist prohibiting all and sundrie his hienes lieges that nane of thame sould ressett, supplie nor intercommoun with James, erll of Athoill, during the tyme of his rebellioun and dissobedience, under certane panes mentionat thairintill, notwithstanding it is of treuth that Johnne Grant of Freuchie, Mr James, Patrik, Duncane, and Robert Grantis, his brether, James Grant in Aberlour, John Donaldsoun, servitour to the said laird of Grant, Thomas Mansoun, John Bellie in , John Innes in Achlincart, John Leslie in Kinmure [Kininvie ?], Ferquhard Leslie in Galdwell, Lauchlane Leslie in the Maltoun of Balvanie, George Leslie in Pokmoir, James Leslie of Eister Ardbrak, Normond Leslie in , John Ramsay, officer in Balvany, John Gordoun in Clunymoir, Mr Alexander Gordoun, court clerk of Balvany, George and Johnn Stewartis, brether to Ballachan, Patrik Stewart in Ballachane, Patrik Robertsoun, Thomas Colthill, John Stewart of Midardbrak, Henry Stewart of Argathine, Robert Stewart in Ardbrodin, Arthour Stewart in Galdwell, James Stewart, his sone, and ilk ane of thame monethelie in the monethis of Januar, Februar, respective last, and Marche instant, and almaist upoun ilk day of the same monethis, hes ressett supplied, and intercommunit with the said Erll of Athoill, hes keepit trystis and meetingis with him, accumpanyis and assistis him in his rebellioun, and takis pairt with him in all his actionis and interpryses." The Advocate therefore craves letters of charge against these persons.—Indorsed "*Fiat ut petitur*, P. Rollok." Complaint of Sir Thomas Hamilton, King's Advocate, against Grant of Freuchie and others for reset of the Earl of Atholl.

Edinburgh, 17th March 1609.

74. Petition of Sir Robert Scot of Thirlstane, knight, for letters of lawburrows against "Martyne Johnistoun, callit Martyne of the Mylne, Hercules Park, *alias* callit Will the Bastart, Edward Baty, callit of Calsay, France Armestrang, callit of Kynmont, Willie Armstrange, his sone, Alexander Armstrang, callit of Kynmont, John Scot *alias* Jeanes John, Sir Robert Scott of Thirlstane for lawburrows against certain other Borderers.

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sone to umquhile Symone Scot in Southfield," who, having conceived "ane deadlie malice and haitrent" against petitioner, trouble him in the possession of his lands and steadings, and also "bragis, boistis, shoiris, and avowis" to have his life.—Indorsed "*Fiat ut petitur:* France Armestrang, callit of Kynmont, and William Armestrang, his sone, ather of thame under the pane of v^{c} li., and ilk ane of the remanent personis within complenit upon under the pane of iiii^{c} merkis: P. Rollok."

Mr Alexander Peebles against Moncur of that Ilk and others.

75. Petition of Mr Alexander Peiblis, advocate, and Agnes M^{c}Cartnay, his spouse, for summons against Andro Moncur of that Ilk, as principal, and James Skyrmgeour, elder of Fardill, James Skrymgeour, younger, fear of Fardill, Patrik Boyd, elder of Pitkindie, Patrik Boyd, younger of Pitkindie, as cautioners for him, who were on 24th December last put to the horn at the complainers' instance for non-payment of 2000 merks principal and £100 of expenses.—Indorsed "*Fiat ut petitur*, P. Rollok." Edinburgh, 17th March 1609.

Chalmers of Drumlochy and another for lawburrows against Sir George Boswell.

76. Petition of William Chalmers, fear of Drumlochy, and Mr John Chalmers, minister in Auchtirdirrane, for letters of lawburrows against Sir George Boiswele of Balgoy, who, by himself and his tenants and others in his name, "maist heavilie molestis" petitioners and their tenants in their proper lands, and "boistis, minasses, shoiris and avowis" to have their lives.—Indorsed "*Fiat ut petitur*, under the pane of ane thousand merkis. P. Rollok." Edinburgh, 17th March 1609.

Andrew Mill against Stephen Ostler, Archibald Doig, and others.

77. Petition of Andro Mill, son in law to James Broun at the mill of Megle, for summons against Stephane Oistlar in , and Archibald Dog, son to Mathew Dog in Megle, (1) because, on 9th November last, they "came, boith bodin in feir of weir" and "under clud and silence of nicht," to the complainer at , and there "ferslie set upon" him, and "with drawin swordis and quhingeris" pursued him for his life, wounding him in many parts of his body, and leaving him for dead, so that he has "lyine continewallie bedfast sensyne"; (2) because, on the 10th of the said month of November, David Ostlar in Newmylne, Alexander Oistler there, John Luk in Cassiltoun, James Luk there, and Alexander Butchart there, "all bodin in feir of weir," came early in the morning to his dwelling house, "and in a bragging maner remanit about the same a long space," awaiting occasion for pursuit of petitioner, or of such of his friends "as they should haif happinit to forgaddir with."—Indorsed "*Fiat ut petitur*, P. Rollok." Edinburgh, 18th March 1609.

Andrew Logan for suspension of horning for fire-raising and slaughter.

78. Petition of Andro Logane in Claignot for suspension of horning against him for non-compearance before their lordships to answer for his alleged "lying with his complices in the hie way and passage of dame Jeane Flemyng, lady Cassillis, Hew Kennedy, master of Cassillis," and their company, "and persewing thame of their lyveis, raising of fyre in the house of Auchinsoull, and slaying of umquhile John M^{c}Grame, being ane of the said ladyis company." He had not been lawfully charged to compear, and engages now to compear and to find caution, and informs the lords that the gift of his escheat is disponed to Jeane Stewart, lady Bargany.—Indorsed "*Fiat summonitio ut petitur* to the penult day of Marche instant, Edinburgh, 18th March 1609.

and to suspend and relax *ut infra* quhill the tent day of Aprile nixt, becaus the complenar hes found cautioun to the effect within writtin, as alsua the Lordis his sene the gift of the eschete within mentioned.—P. Rollok." Miscellaneous Papers.

Edinburgh, 18th March 1609.

79. Richard Hill in the mains of Balvanie, complaining that, on the day of March instant, "John Ramsay, officiar in Balvanie, and John Innes of , of the special causing, sending, and directioun of James, Erll of Athoill," took and carried him captive to the house of the said John Innes, where he is still detained without crime or just cause, craves that the said persons be charged to compear and present him before their lordships for his liberty.—Indorsed "*Fiat ut petitur*, P. Rollok." Richard Hill against John Ramsay and John Innes for illegal imprisonment.

Edinburgh, 18th March 1609.

80. Petition of James Murray, merchant burgess of Perth, for summons against James Drummond, Gavin Dalzell, Patrick Andersone, and William Williamsone, who, on the 18th of July last, being then bailies of the said burgh, were put to the horn in virtue of letters raised by complainer against them for a debt of 500 merks, and for not warranting "and skaithles-keeping" of him at the hands of Margaret Gaw, relict of Oliver Young, burgess of Perth, "anent the payment to hir of the soume of tua hundrethe thriescoir merkis as principall and twenty merks of expenses."—Indorsed "*Fiat ut petitur*, P. Rollok." James Murray against certain bailies of Perth.

Edinburgh, 18th March 1609.

81. Petition of James Strauchane, notary, burgess of Dundee, for letters against Mr John Lindsay of Kinloch for molesting and threatening him, his servants and tenants, in the possession of their lands.—Indorsed "*Fiat ut petitur*, under the pane of tua thousand merkis.—R. Cokburne." James Strachan against Mr John Lindsay.

Edinburgh, 18th March 1609.

82. Petition of John Maxwell of Barfill for summons against Sir Robert M°Clellane of Bombie, knight, put to the horn on 3rd December last for non-payment of 380 merks due to the complainer, with 100 merks of expenses.—Indorsed "*Fiat ut petitur*, P. Rollok." Maxwell of Barfill against M°Clellan of Bombie.

Whitehall, 19th March 1609.

83. "My noble goode Lord:—I wes desyred to be present with the Counsell heir, where some speeche wes had concerning the planting of these countyes in Ireland upoun suche conditionis as ar sett doun in the printe articles. And, becaus it is his Majesties intentioun to haif bothe Scottishe and Englishe planted there promiscue, so as the hole people of the one natioun sall not be cast together all in one plaice, so the hole land is now to be devydeit into thrie pairtes, one portioun to the servauntes of the staite there in Ireland, ather Englishe or Iyrishe, who haif merited, another thrid to Englishe heir, and the thrid pairte to our people. I find that our proportioun will extend to no les then four score ten thousand acres at leaste, thay of England haveing the lyike quantitye. And it is speciallye to be considerit that every undertaker hes not tuo thousand aikeris allotted, bot I find in the roll of the Englishe undertakeris, whiche is alreddy full, that this forme is observed as that there is some xxviii or xxx unto whome tuo thousand aikeris ar allotted and als many to whome there is only a thousand aikeris a peice: whiche forme of divisioun wald Letter from Alexander Hay, Scottish Secretary of State in London, announcing the great scheme of a Plantation of Ulster, and his Majesty's arrangement that the Scots shall share the benefit, and urging the Privy Council in Scotland to take steps accordingly.

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be keipt there. Efter my Lord Thesaurer heir hed red out there names at the Counsell table, he then declaired his Majesties intentioun to haif the lyik nowmer of names of the Scottis natioun to be undertakeris, at leist ather mo or fewer, so as no manis portioun exceidit tuo thousand aikeris or wer within a thousand. And, becaus the abilitye of there owne people for performeing the service wes knowine to thameselfis, so I wes desyred to certifie your lordship that suche a choice suld be maide of the abilitye of these who did undertake that the Kingis service heirin suld not be disappoynted. Whereof thay did putt no doubt but your Lordshipis there of the Counsell wald be most cairfull; and there is no forder urged heirin bot suche a proportioun as you sall pleis yourselfis; for, whatevir salbe left of the above-written quantitye not undertakin to be planted by our people there, thay will mak it out by getting so many mo undertakeris heir; bot, if the hole may be undertakin by our people, and the Kingis service assuired, so as men do not promise more then thay will performe, it will breid bothe contentment to his Majestie and credite to the natioun. If in the articles there be anything that is hard or whereof our people craives a mitigatioun, then it wald pleis your Lordshipis to advertise it, and I sall insiste with his Majestie to obteine it; bot lett nothing be expected of diminishing the rentall, whiche is not very greitt if other conditionis be aggried unto. In the articles imprented it is sett doun that the undertaker for 2000 aikeris sall builde a castle of stone. Becaus the worde of a castle may effraye our people, I moved it in the Counsell (there being fyve or six of the Iyrishe Counsell there present) what wes meaned by a castle; and it wes there declaired that nothing wes meanit thereby bot any litill toure or peill suche as are commoun in our Bordouris. I wes curious to know how muche boundis tuo thousand akeris wald be. It is assurred that it wilbe two myiles all wayes, and of this there is nather wode nor mose accompted, bot every portioner sal haif a proportioun of that, so as all the surveyed land may be ather tillage or pasture groundes. I am desyred betuix and Easter to knowe back from your Lordship what may be expected concerning this plantatioun from thense. It were not amis that everyone that undertakes suld find suretye to your Lordshipis for performeing; and thereupoun I haif alreddy moved his Majestie that all suche as ar suiteris heir of our countrey-people for portionis there may find suirtie at home, otherwayes not to be admitted to the roll. Your Lordship wald do weill with the assistance of the Counsell there to move them that ar of abilitye to undertake this turne; for, the offer being maid, our not accepting of it will abyide no other constructioun then that we are not able to do it. It may be perhappis some skarrecrowe to our people that thay ar not to duell all togither. The reasoun is that thir countrey-people might think thameselfis muche wronged if we suld be all planted togither in the best countreyis, and if *thay* wer so we culd think no les; and, however we ar to be mixed togither in all the countries, yet not so bot some nowmer of Scottismen wilbe ever togither. There be many of the Counsellouris heir

that in my presence caused there names to be putt up in the roll for undertakeris, suche as my Lord Thesaurer, Erle Worcester, Suffolke, Excester, and otheris; for, without doubt, if the worke go fordward, the land may be maid bothe peceable and proffitable, and the greitest chairges wilbe in sending over of people to duell in it and some goodes to plenishe it. The undertakeris will not be forced to haisten there before the first of May come tuelf moneth; bot yit there names wald be knowne, and ordour is to be gevin for perfyiteing the securityes and rightes of their portionis. I wald entreate your Lordship at the first goode occasioun to move it to the Counsell and to returne bak any suche answer as I sall delyver to the Counsell heir. With the nixt packett I sall certifie your Lordship of the names of our countrey-people that ar suiteris for some portioun of that land; and all of thame salbe remitted to find there suirtye there, becaus the Counsell heir ar desyrous to haif the roll from thense, so as thay may be assuired that none are putt in bot these who are able to performe. We haif greitt advantaige of transporting of our men and bestiall in regairde we lye so neir to that coiste of Ulster. That day that this mater wes handled before the Counsell the Erle of Salisburye, thesaurer, did utter very muche his affectioun to our countrey-people, saying if he wer himself to go thither he wald make choise to duell amonges our people, as being bothe trew and hardye. There wald behaif a humble letter of thankes to his Majestie for his cairfull remembring of us in this plantatioun, whiche your Lordship will caus to be sent frome the Counsell there, togither with a letter to the Thesaurer of thankes for his goodewill uttered and evir constant to our people above any other heir. Ceissing to trouble your Lordship any forder at this tyme, the occasioun of William Inglis going away poiste tomorrow causeing me to remitt other thinges to his cariage, I tak my leave, resting reddy to serve your Lordship, Alex^r. Hay."

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Edinburgh, 20th March 1609.

84. Complaint by William Striveling, merchant burgess of Glasgow, in these terms:—"Quhair I, and Mr John Ros, merchand of the said citie, haveing set to us in tak and assedatioun be Robert Arnot, Barnard and Mr Robert Lindsayis, James Neisbit, and remanent takismen of his Majesteis customes, all and haill the inwart customes of all merchandice, guidis, and geir that sall happin to arryve within the wattir of Clyde, and lossit within the said wattir betwix the Cloich Stane and the brig of Glasgow and haill liberteis thairof, and that for all dayis space, yeiris, and termes of thrie yeiris nixt and immediatlie following our entrie thairto, quhilk began upoun the first of November j^m vj^c and sevin yeiris, as the said tak grantit be his Majesteis said custumairis to us thairupoun, beiring date the tent of Februair j^m vj^c and aucht yeiris, beiris: The said Mr John Ros, upoun certane conditionis past betuix me and him, hes maid and constitute me his assignay to his pairt of the said tak, as his assignatioun maid to me thairupoun at lenth beiris, quhairthrow the haill rycht of the said tak is now become in my persone: Be virtew quhairof I have good and undoubtit rycht to the haill customes inward and outward with-

Petition of William Striveling, merchant burgess of Glasgow, tacksman of the inward customs of the Clyde, relative to infringement of his rights in these customs.

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in the boundis abone specifeit, and payment and deliverance thairof aucht to be maid to me. Nevirtheles the merchandis awnairis of the saidis goodis and the skippairis and marineris of schippis and veschellis quhairin the same ar brocht hame verie frequentlie conceillis a grite pairt of the saidis goodis, alswele in the lossing and schipping thairof, and thairby prejugeis me of the custome thairof, brekis bouke afore the giving up of thair entrie, and be mony uther fraudulent and indirect meanis dois quhat in thame lyis altogidder to prejudge me of the said custome, aganis the tennour of divers actis and constitutionis maid for the payment and furtherance of his Majesteis customes, and to my havie hurte and skaith without remeid be providit. Heirfore I beseik your lordships to direct letters chargeing all and sindrie maisteris, skippairis, awnairis, clerkis and marineris of schipis, crearis, or uther veschellis arryvand within the boundis abone writtin contenit in my tak or passine furth of the samyn, be oppin proclamatioun at the mercat croceis of the burrowis and townis and portis upoun the sey coistis and utheris placeis neidfull, or utherwyse be thair names in speciall as salbe requirit, That they nor nane of thame tak upoun hand to ressave within their schippis, crearis, or veschellis, eftir thay have gevin up thair interesse and ressavit thair cocquet, ony merchandice or goodis quhatsumevir to be transportit out of the saidis boundis, nor that thay unlaidin nor put of the samyn schippis, crearis, and veschellis cumand within the saidis boundis ony pairt of thair laidning quhill they arryve at the frie porte to quhilk thay ar frauchted and have gevin up thair entreis to me, and that they leive na merchandice nor geir ungevin up in entres, undir the pane of j° ℔. to be payit be the skippair, j° ℔. be the maister and awnair, and j° ℔. be the clerk and marineris of the schip, crear, or uther veschellis quhairin the samyn geir salhappin to be ladynit, or out of quhilk the samyn salhappin to be tryit to have bene lossit: certifeing thame that failzeis thay sal be callit and persewit as steillaris of his Hienes customes, and the penaltie abonewritten upliftit of thame with all rigour and extremitie in example of utheris: as lykwyse to command and charge the saidis maisteris, skippairis, clerkis, and marineris of schipis, crearis and veschellis to gif up the entres of the haill guidis and merchandice being within the samyn brocht within the boundis abonewrittin, and the names of the merchantis and awnairis thairof, upoun thair aith of fidelitie, and that thay have unlaidnit na pairt thairof nor conceillit na pairt of the same ungevin up in entres; as alsua to gif up the entres of the haill guidis being within the same schipis, etc. to be transportit out of the saidis boundis, and the names of the merchantis aunairis thairof, upoun thair aith of fidelitie, and that thay sall ressave na geir within schipburd thaireftir to be transportit out of the saidis boundis at that voyage, to me within sex houris nixt eftir charge, etc., under the pane of horning, etc.: and, the said entres being gevin up as said is, to charge the merchantis awnairis of the saidis merchandice and goodis comeand within the boundis abonewrittin to gif up to me the just inventair of the quantitie, maner, and sortis of thair wairis, guidis, and merchandice

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brocht hame be thame, upoun thair aith of fidelitie, and to mak the samyn patent gif neid beis to be sene be me: and siklyke that the saidis merchandis mak payment to me of the dew custome of the samyn guidis, wairis, and merchandice imposit thairupoun be his Majestie and his Estaittis within xii houris nixt eftir the charge, undir the pane of rebellioun, etc., and to mak oppin duris, etc., and use his Majesteis keyis to that effect, and, gif neid beis, to fens and arreist the saidis schipis, crearis, etc., quhairin ony merchandice, guidis and geir salhappin to be contenit, tak thair saillis from thair rais and thair anchoris from thair taillis, sua that thay depairt not quhill thay mak payment to me of the dew custome thairof."—Indorsed "*Fiat ut petitur*, P. Rollok."

Edinburgh, 20th March 1609.

Petition of Robert Stewart of Arbrek in the matter of his Commission of Justiciary for the Lordship of Balvany.

85. Petition of Robert Steuart of Arbrek, as follows:—Although their lordships have discharged the commission of justiciary granted to the Earl of Atholl within the bounds of his earldom and of the lordship of Balvany, and have made the complainer answerable for the peace of the country; and although, for their lordships' obedience and satisfaction, and not for any private respect or consideration, petitioner had taken upon him that charge, nevertheless the people of the said lordship of Balvany, "presomeing of impunitie and of libertie to do quhat thay pleis without controlment," have refused to acknowledge the complainer in that place and charge, and will not "answer to" his courts nor give him any obedience, so that "all kynd of iniquitie sall begyn, grow and abound," unless remedy were provided. Therefore he craves letters of charge to the effect indicated. —Indorsed "*Fiat ut petitur*, Al. Cancell."

Edinburgh, 20th March 1609.

Harry Coldstream against William Robertson for assault.

86. Petition of Harie Caldstreame, son to Caldstreame, at the mill of Garvok, for summons against William Robertsone, who, "to execute his private grudge," has assaulted petitioner with drawn sword, and wounded him in the right hand and other parts of the body.—Indorsed "*Fiat ut petitur*, P. Rollok."

Edinburgh, 20th March 1609.

Elizabeth Borthwick against her husband.

87. Petition of Elizabeth Ramsay, spouse to Mr James Borthwick of Lochhill, for letters against her said husband, who on 14th January last was put to the horn at her instance for non-payment to her "of the soume of xiii^{s} iiii^{d}," modified to her by the Commissaries of Edinburgh, "daylie and ilk day sen the dait of the act and ordinance, quhilk is the aucht of Marche j^{m}vj^{c} and aucht yeiris, and ay and quhill he tak her hame and interteny her as becomeis ane husband his wyff," and until he shall find caution for her maintenance and the indemnity of her person.—Indorsed "*Fiat ut petitur*, P. Rollok."

Edinburgh, 20th March 1609.

Reclamation of Walter Scott of Tushielaw and his sons against the charge of Lord Balfour of Burley for purchase of arms from him.

88. Complaint by Walter Scott of Tuschielaw, and Robert and James Scotts his sons, in these terms:—"Quhair Michell, lord Balfour of Burlie, and James Lowrie, his deput, hes, be vertew of generall letters direct at thair instances as haveing the present charge and burding of selling of armour, causit charge me, the said Waltir Scott of Tuschelaw, and my saidis sones, to addres our selffis to thame, or thair factouris in thair names, to by fra thame the particular numbir of armes following, conforme to ane allegit act of Conventioun and our yeirlie rent maid in Junij the yeir of God

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$j^{m}v^{c}lxxxxviii$ yeiris, of the particular pryces contenit in the saidis letters —viz., me, the said Waltir Scott of Tuschielaw, to by fra thame the number of sevin stand of horsmenis armes, me the said Robert Scott, his sone, ane stand of horsmenis armes, and me the said James Scott the number of tua stand of fut manis airmes, within ten dayis nixt eftir the charge under the pane of rebellioun, and failyeing thairof to put us to the horne,—and of verie malice, as we ar informit, intendis to caus put us thairto: maist wrangouslie, considering that it is of veritie that be the foresaid Act of Conventioun it is speciallie provydit and sett doun that everie gentillman landit haveing in yeirlie rent xv chalderis victuall, or ane thousand merkis money, sould by ane stand of horsmanis airmes, and swa effeiring to his yeirlie rent ather in victuall or money to by accordinglie to the samin: Bot swa trew it is that I the said Waltir Scott of Tuschelaw may not spend in yeirlie rent scairslie ane chalder victuall, in respect trew it is that the onlie moyane quhairupoun I leave is ane hieland rowme liand in the lordschip of Etrik Forrest, haldin in few of his Majestie, and quhairupoun thair is na arrabill land except sum peces of hauches quhilk lyis contigue to the wattir of Ettirik, that scairslie will saw thrie bollis of victuall be yeir, bot haldis ane few number of scheip thairupoun, quhilk is na propir rent, bot ane accident and casualtie yeirlie subject to the perrell of deith and wintir stormes, as in verie deid the maist pairt of thame be storme of weddir decayis: Quhairthrow the saidis pretendit lettres ar maist wrangouslie and evill direct aganis me in maner foirsaid: And, as tuiching the saidis Robert and James Scottis, my sones, thay ar maist wrangouslie chargit to by ony kind of armour, be ressoun thay have thair actuall duelling and residence with me the said Waltir, thair fadir; lykas thai haif had thir divers yeiris bypast, thameselffis, thair servandis, wyffis, and bairnis, and hes thair onlie intertenement and being of me within my said duelling hous of Tuschielaw, haveing na uther duelling pairt nor place to inhabit or mak residence intill, bot onlie intertenyit and sustenit be me as said is, and swa can nawayis be subject undir the foirsaid Act of Conventioun for bying of the saidis airmes, we nor ather of us nethir haveing *focum nec larem* except that quhilk we ressave of the said Waltir our fadir." They therefore crave suspension of the said letters of charge.—Indorsed "*Fiat summonitio ut petitur* to the sext day of Aprile nixt, and to suspend and discharge *ut infra* quhill the xx day of the same monethe, becaus the complineris hes found cautioun to the effect within writtin under the pane of j^{c} ℔. for ilk stand of horsemenis armis and fyftie pundis for ilk stand of footemenis armes within specifeit.—Al. Cancell^{a}."

John Paterson, sheriff-clerk of Fife, against David Lundy for abstraction of a document.

89. Petition of John Patersone, sheriff clerk of Fife, for letters of charge against David Lundy of Newhall, in these circumstances:—In July 1607 said David was put to the horn, at the instance of William Sibbald, brother german to David Sibbald of Lethame, for non-payment of debt; and, having been informed that the letters of horning were in complainer's hands, to be registered in the sheriff court books, he came to complainer

Edinburgh, 21st March 1609.

in his "awne chalmer in Couper Fyff," and "craftilie and subtilie" desired a sight thereof. The complainer, "lyppining for na thing less than ony violence of the said David," gave him the letters "to haif bene red be him and thairefter redelyverit"; but, after reading the letters, he "faldit the same, put thame in his putche, and violentlie and maisterfullie and perforce past away thairwith."—Indorsed "*Fiat ut petitur*, P. Rollok." Miscellaneous Papers.

Edinburgh, 21st March 1609.

90. Petition by Robert Cunynghame in Urquhat, David Cunynghame in Prymrois, Andro Cunynghame, his son, William Cunynghame in Crocefurde, William Lugtoun in Dunfermling, David Austiane at the mylne of Mylnehill, James Austiane, his son, and William Sanders, servitor to Andro Murray of Windiemilhill, for summons against Alexander Chalmer in Logy, by whom the petitioners are charged to find caution in their lordships' books for his indemnity under penalty of 500 merks each; which amount they allege to be excessive for persons of their rank.—Indorsed "*Fiat summonitio ut petitur* to the penult day of March instant, and to suspend and discharge *ut infra* quhill the tent day of Aprill nixt," caution having been found.—Subscribed "P. Rollok." Robert Cunningham and others against Alexander Chalmers.

Edinburgh, 21st March 1609.

91. Robert Simpson, burgess and indweller in Jedburgh, complaining that, on the 18th of March instant, Mr John Rutherfurd, one of the bailies of the said burgh, had without any just reason caused him to be apprehended and confined in the tolbuith of the said burgh, where he still is, desires letters against the provost and bailies of the said burgh charging them to compear and present him before their lordships.—Indorsed "*Fiat ut petitur*, P. Rollok." Robert Simpson against the Provost and Bailies of Jedburgh.

Edinburgh, 21st March 1609.

92. Petition by John Williamesoun in Karie in Stratherne, Thomas Williamsoun, his eldest son, and John and Andrew Williamsoun, his second and youngest sons, as follows:—James Pate in Karie, William Carmichaell there, John Moir, portioner of Aberargie, David Moir in Drone, Andrew Moir in Abirergie, John Balwaird in Broadwill, portioner of Abernethie, Hew Scott in Karpow, Allan Hog there, Thomas Pate in Cluny, David Quhyte in Craigfode, Robert and George Thomesounes in Culfergy, and Thomas Scott in Carpow, having causelessly conceived "ane deidlie rankour and malice" against petitioners, have, by themselves and their complices, "invadit and persewit" them at their doors and dwelling house, and "crewillie hurt" the said John Williamsoun; and they continue to threaten petitioners, and their cottars and servants, for their "bodelie harme and slauchter," so that they "dar skairchelie duell" within their own houses, "or repair in saiftie under his Hienes peax to kirk and mercat." Letters are therefore craved charging the said persons to find sufficient caution for the indemnity of the petitioners.—Indorsed "*Fiat ut petitur:* of the within writtin Johnne Moir, portioner of Abirargie, David Moir and John Balwarde, portioneris of Abirnethy, ilk ane of thame under the pane of ane thousand merkis; James Pait and William Carmichael ather of thame under the pane of fyve hundreth pundis; and ilk ane of the remanent personis within complenit upoun under the pane of fyve hundreth merkis: R. Cokburne." John Williamson and his sons against James Pate and others for assault and oppression.

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Walter Scott of Whitslaid against Lord Balfour of Burley in the matter of the purchase of arms.

93. Petition of Walter Scott of Quhitslaid for suspension of letters purchased against him by Michaell, lord Balfour of Burlie, and James Lowrie, his depute, requiring him to buy from them "four stand of horsemenis armes with tua stand of footemenis armes," as by Act of Convention of June 1598, or else to make payment of the prices of the said arms, under pain of horning. He pleads that the Act provides that "onlie sic personis as may spend and hes xv chalder victuall, or j^{m} merkis of money pertaining to thame as ane constant yeirlie rent, sall be astrickit to by ane stand of horsmenis armes and thay salbe urgit with na farder," whereas he is "bot a mein gentilmen not haveing of constant yeirlie rent ij chalderis victuall," and the whole yearly silver rent yielded by his lands, besides "the yeirlie proffeit of some litle store of scheip," will not extend to iij^{c} merks, "being a verie unconstant and uncertane rent, throw the occasioun of the oftin decay of the saidis scheip by the violence of the winter stormes and utheris inconvenientis." Further, "the caus quhairby the saidis armes wes appointit to haif bene bocht is, by the conjunctioun of thir tua famous kingdomes of Scotland and Ingland under his Hienes royall governament, now tane and ceassis." Moreover, he is already provided of armour "agrieeable to his rank and qualitie, and sua aucht to by no uther." —Indorsed "*Fiat summonitio ut petitur* to the xiii day of Aprile," with suspension till the last day of said month; caution having been found under pain of £100 for each stand of horsemen's arms and £50 for each stand of footmen's arms.—Subscribed "P. Rollok." Edinburgh, 22nd March 1609.

Mr John Dempster against Patrick Barclay and another.

94. Petition of Mr John Dempster, advocate, for summons against Patrik Barclay, apparent of the Mylne of Segat, and George Dempster of Halswalls, at the horn since 20th of March instant for non-payment to him of £180, together with 40s. for each ell of 30 ells of "quhite plaiding," as the "maill and dewtie" of his "thrie pairt landis of Logyaltoun" of the crop and year 1606, conform to contract.—Indorsed "*Fiat ut petitur*, P. Rollok." Edinburgh, 23d March 1609.

William Symson, messenger, against James and John Halkhead.

95. Petition of William Symsoun, messenger, as follows:—Being employed by Alexander Lowdoun in Kirkcaldy to execute letters at his instance against James Halkheid at Halkheidis Mylne, he had on 20th of March instant passed to the dwelling place of the said James, and lawfully charged him to make payment of the sums contained in the said letters, when "John Halkheid, portioner of Gaitmylk, of the speciall causing of the said James," pursued him for his life "with a bandit staulff," wounding him in the head and other parts of the body to the effusion of his blood. He craves summons against the offenders.—Indorsed "*Fiat ut petitur*, P. Rollok." Edinburgh, 23d March 1609.

Letter from his Majesty to his advocate, Sir Thomas Hamilton of Binnie, anent the restitution of the estate of Bishops.

96. "James R.—Trusty and weilbeloved Counsellour, we greit you weill:—As none of oure Counsell there can be ignorant bot the worke of estableshing Bishopes and restoreing of there estaite hes bein oure owen proper motioun, not subgested or procured by importunitye or suiteing of otheris: so we think that you do know as muche thereof as another, since your plaice as our Advocatt and our many directionis gevin at sindrie Whitehall, 24th March 1609.

tymes for thir materis might haif sufficientlye persuadeit you that this turne of the Bishoppis restitutioun is a thing wherein we hold ourselfis particularlye interessit, the crosseris whereof wilbe reputed by us evill affected to our service. And therefoir, since this mater of the commissariatis is now in hand, and that yee yourself do remember upoun what occasioun the word 'jurisdictioun' was omitted in the Act of Parliament maid in favouris of Bishoppis, onlye for the difficulteis pretendit by the manteynaries of presbiteryes, lett not the unwillingnes of any to this our intentioun or the objectioun of difficulteis be a hinderance to this worke; bot, since it becometh you as oure Advocatt to pleade for the forderance of any thing that is oure pleasour and determinatt will, so we wish to sie in this busynes a particular pruife therof, as you wald deserve oure speciall thankes and eshew oure repruife. And so biddis you fairweill. From oure Court at Whitehall the xxivth of Marche 1609."—Original under the sign-manual, and not transcribed among the Royal and Other Letters. Miscellaneous Papers.

Edinburgh, 27th March 1609. 97. Petition of Cristiane Gairdin, relict of Thomas Ramsay, burgess of Edinburgh, for letters of lawborrows against Gilbert Gairdin in Arbroith, who "dalie and continewallie bragis, boistis, shoiris and minasses" her and her tenants and servants, and "hes violentlie reft furth of her barne yaird and corne stak, and hes disponit thairupoun at his pleasour."—Indorsed "*Fiat ut petitur*, under the pane of v^{c} merkis, P. Rollok." Christian Gairden against Gilbert Gairden.

Edinburgh, 27th March 1609. 98. Petition of Alexander Gow, smith in Kindallichin, for summons against Thomas Stewart in Dowallie, Walter Stewart, his son, and Patrick Rettray in , who, with others, "all bodin in feir of weir, with swordis, gantelettis, plaitslevis and utheris wapponis invasive," had come on 8th March instant to his "awne smyddie buith," and there "crewellie and unmercifullie invadit and persewit" him, wounding him in the left hand and in divers other parts of his body, to the peril of his life.—Indorsed "*Fiat ut petitur*, P. Rollok." Alexander Gow against Thomas Stewart and others for assault.

Edinburgh, 28th March 1609. 99. Petition of Alexander Douglas, macer, for letters of lawburrows against John Corstoun, elder, in Cramond, and John, James, and Robert Corstouns, his sons, who, with their men, tenants, and servants, not only "maist havelie molestis, troublis and oppressis" complainer and his tenants and servants in the possession of his proper lands by "halding and pasturing of thair bestiall and guidis upoun the growand cornis and hanyt gers," but also "boistis, minassis, schoris and avowis" to have complainer's life.—Indorsed "*Fiat ut petitur:* the saidis John Corstoun, eldar, and Johne Corstoun, his sone, ather of thame v^{c} pundis, and ather of the rest v^{c} merkis. P. Rollok." Alexander Douglas against John Corston and his sons for oppression.

Edinburgh, 28th March 1609. 100. Petition of James Kennedy of Culzeane as follows:—Although Quintene Mure of Auchneill, Patrick, his son, John M^{c}Dowall of Freuch, and Alexander M^{c}Dowall of Baljark, were on 3d October last put to the horn at his instance for not compearing personally before their lordships upon a complaint against them for resetting and intercommuning with Thomas M^{c}Alexander, then at the horn for the slaughter of Sir Thomas Kennedy of Culzean, yet the said persons "hantis, frequentis, and repairis in all James Kennedy of Culzean against Quintin Mure and othefs.

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partis of the countrey at thair pleasour." He therefore craves letters to the sheriffs of Edinburgh, Lanark, Ayr, Dumfries, and Wigtoun, and to the magistrates of the burghs within these shires, for the apprehension of the said persons.—Indorsed "*Fiat ut petitur*, P. Rollok."

Thomas Black against the Earl of Orkney.

101. Petition of Thomas Blak in these terms:—"Quhair your lordships hes decernit letters of horning to be direct at my instance aganis Patrik, Erll of Orknay, for denunceing of him rebell and putting of him to the horne for his not compeirance personalie befoir your lordships at ane certane day bigane, to haif ansuerit to ane complaint maid be me upoun him, as the saidis letters to Shaw beiris, and your lordships, upoun certane knowlege of my inhabilitie to gett ane officer to go to Orknay for chargeing of the said erll, and of the mony injureis and wrongs committit be him aganis officeris who wer direct to that cuntrey to execute chargeis aganis him, grantit me ane dispensatioun to summond him be oppin proclamatioun at the mercat croce of Edinburgh, peir and shoir of Leith, swa that now I mon haif the lyke dispensatioun to denunce him at the mercat croce of Edinburgh and to register him in the Clerk of Registeris buikis, seing no officer dar repair to Orknay to denunce him, and the schireff clerk of Orknay nouther will nor dar register him in his buikis: heirfoir I beseik your lordships to gif command to officeris of armes to putt my saidis letteris of horning to executioun aganis the said Erll at the mercat croce of Edinburgh, admitting the same executioun and denunciation and the registratioun thairof in the Clerk of Registeris buikis to be als goode, valide, and sufficient as yf he wer denunceit in Kirkwall in Orknay and registrat in the schireff courte buikis of Orknay. And your lordships ansuer humelie I beseik."—Indorsed "*Fiat ut petitur*, Al. Cancell^{s}." Edinburgh, 28th March 1609.

Thomas Boyle against John Barclay, bailie of Irvine, and others, for assault and illegal imprisonment.

102. Petition of Thomas Boyll, brother german to John Boyll of Kelburne, for summons against John Barclay, one of the bailies of Irvine, William Caldwell, bailie clerk of Cunynghame, William Barclay, brother to the said John, and Archibald George, burgess of Irvine, who, with their accomplices, "all bodin in feir of weir," set upon the complainer in February last, while he was within the tolbuith of the said burgh, attending on a suit moved against him in that court, and with drawn swords wounded him in the hand, and gave him "mony deadlie straikis" in other parts of his body, and "thairwithal kaist him in the stokis," all without crime on his part meriting such treatment.—Indorsed "*Fiat ut petitur*, P. Rollok." Edinburgh, 28th March 1609.

Janet Stewart and Janet Wishart against James Smart and another for assault.

103. Petition by Jonat Stewart and Jonat Wishart, "servitrices" to Thomas Craig in Boigis, and by their master for his interest, for summons against James Smart in , and William Litlejohn, his servitor, who, "boith bodin in feir of weir with swords" etc., had come on a day in October last, set upon the two female complainers with "great forkis," hurt and wounded them therewith on their heads, "and brak myn the said Jonat Wishartis bak in tua pieces, quhairof I haif lyine continewallie sensyne, and am nevir licklie to convalesce thairof."—Indorsed "*Fiat ut petitur*, P. Rollok." Edinburgh, 28th March 1609.

Edinburgh, 28th March 1609.

104. Petition by Alexander Gordoun, "sone naturall to the schiref depute of Aberdeen," Andro Baverlay in Logie, Thomas Baverlie there, William Coutis in Straitloch, and , for suspension of letters of horning against them at the instance of Sir Thomas Hamilton of Bynnie, King's advocate, George Curror of Inchedrour, Jeane Hay, his spouse, and Cristiane Curror, their daughter, for their alleged bearing of "hacquebutis and pistollettis," and "comeing under clud of nicht to the said George hous in Aberdeen, violentlie entering thairin and searching and seiking of the said Cristiane Curror of purpois to haif reveisht hir," and for "straiking, dinging, hurting and wounding of the said Jeane Hay." They allege that they were "never lauchfullie chargit."—Indorsed "*Fiat summonitio ut petitur* to the xviii day of May nixto-come, and to suspend and relax *ut infra* to the last day of the same moneth, becaus thir complenaris hes found cautioun to the effect undir writtin, ilk ane of thame under the pane of ane thousand merkis, as alsua for payment to his Majesteis thesaurer and his depute of the soumes of xli for ilk ane of thair eschetis incais thai have ony outwith the regalitie of Lendores.—Al. Cancell[s]." Miscellaneous Papers. Alexander Gordon and others for suspension of horning.

Edinburgh, 29th March 1609.

105. Petition of Thomas Fraser in Pitcowtins for summons against Miniane Hog of Bleridryne, Miniane and John Hogis, his sons, William Hog in Wodend, Alexander Burnet of Lochtoun, Thomas Burnet in Brathinche, Alexander Burnet in Keneskie, Alexander Cruikshank, burgess of Aberdeen, James Burnet in Balbrydie, Alexander Blakhall in Over Blakhall in Over Bleridryne, James Hog in Knappach, William Hog, his son, Archibald Hog in Balbrydie, Andro Hog in Boig, Alexander Jaffray in Aberdeen, for having come with convocation of the lieges "and with swordis, gantelettis, steil-bonnetis, lanceis" etc., set upon complainer as he was going from his own house "to Midlentrones fair, keipit yeirlie at the kirk of ," and with their swords and lances assaulted him, so that, but for his "awne defence" and help of some people, he would have been slain.—Indorsed "*Fiat ut petitur*, P. Rollok." Thomas Fraser against Minian Hog and others for assault.

Edinburgh, 29th March 1609.

106. Petition of William Naper of Wrichtishouses, for summons against Henry Futhy of Boysak, Thomas Futhie, his son, and Mr James Futhy, his son, at the horn since 4th March instant for non-payment to petitioner of 1650 merkis contained in their obligation to him.—Indorsed "*Fiat ut petitur*, P. Rollok." Napier of Wrichtshouses against Futhie of Boysack.

Edinburgh, 29th March 1609.

107. Petition of David Ramsay in Arbroith, for summons against Gilbert Gairdin, burgess thereof, for having come, with his complices, "undir silence of nycht," to complainer's barn yard within the said burgh, "kaist ane stak of aittis," and "caryit the same away with thame" and unlawfully "disposit thairupoun at thair pleasour."—Indorsed "*Fiat ut petitur*, P. Rollok." David Ramsay against Gilbert Garden.

Edinburgh, 29th March 1609.

108. Petition of the Provost and Bailies of the "citie of Dunblane," as follows:—William Scobie, servitor to Coline Campbell of Lundie, having for certain offences been committed to ward within the tolbooth of the said city, James Campbell, servitor to the said laird of Lundy, and Gilbert Provost and Bailies of Dunblane against James Campbell and others.

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Grahame, James Pitilloch, and Mr James Low, also servitors to the said Coline Campbell, on the of March instant, "all bodin in feir of weir, etc., in a tumultuous and unseamelie maner first upbraidit, boistit, shorit, and minassit the javalour of the said toilbuith, and than forceablie brak up the said toilbuith dure and caryed the said Wm. Scobie furth of the said waird, and in a bragging maner went up and down the calsay of the said citie, and searcht the officeris housis of the same for the said Williams sword." Therefore the complainers ask for summons against the offenders.—Indorsed "*Fiat ut petitur*, P. Rollok."

John Crichton and his wife against John Brown and others for assault.

109. Petition of John Creichtoun, younger, in Ferretone, and Katherine Thomsone, his spouse, for summons against John Broun, elder, of Carslewth, John, Harbert, Gilbert, and William Brounes, his sons, and John Broun, son of the deceased Cuthbert Broun in Bakbie(?), for having, with their complices, "all bodin in feir of weir," come "by way of hamesuckin" to the complainers' dwelling house in Ferretone, where, they were at the time within the barn unarmed, and with swords "persewitt" them for their lives, striking the said Katherine "fra the ane henche to the uther," wounding both her and her spouse in various parts of the body, and leaving them for dead.—Indorsed "*Fiat ut petitur*, P. Rollok." Edinburgh, 29th March 1609.

Mr Alexander Menzies and others against James Porteous and others for assault.

110. Petition of Mr Alexander Menzies of Culterhallis, and Mr John Byres and John Blak, his tenants of one part of Culterhallis, for summons against James Porteous in Buitlaw of Lamyngtoun, "*alias* callit Skie at the Bonnet," a common and notour thief and outlaw, Robert Porteous in Hilhous, his brother, William Harknes, "goodsone" to the said Robert, in the Houp of Lamyngtoun, and Archibald Home, brother to the "guidman of the Heuche."—Said persons, having conceived "ane deidly hatrid and rancour" against the said tenants, because of their alleged "giving up of dittay" and "being upoun the assyis of Symeon Hendersoun, a commoun theif, pannellit befoir his Majesteis lieutenant of the Borderis for the tyme, convict, and hangit to the deid," came (except Arch. Home) in April last, "bodin in feir of weir," and lay in wait for the said John Blak "in the Kingis hie streit betuix Biggar and Culter, under clud and silence of nicht," took him captive, exclaimed that he should then pay for all, and would have slain him "war not for sindry reddares quha hapnit to be present." Further, the said persons, accompanied with the said Archibald Home, "in the moneth of last bypast, in harvest, being upon the Lady day," lay in wait for the said Mr John Byres, and for the same alleged causes set on him with their swords, and wounded him "upon the heid abone the lug ane deip and deidly wound," to the peril of his life.—Indorsed "*Fiat ut petitur*, Quhittingham," countersigned "Jo: Young." Edinburgh, 30th March 1609.

Mr Alexander Menzies against Lady Lamington and others for trespass and oppression.

111. Petition of Mr Alexander Menzies of Culterhallis for summons against Dame Margaret Baillie, lady Lamyngtoun, Sir William Baillie, apparent of Lamyngtoun, her son, Patrick Baillie, her brother, Edwart Maxwell, her son, Alexander Baillie of Bakbie, her "guidbrether," Wm. Baillie in Tounheid of Lamingtoun, Alexander Baillie in Quhythill, Johne Baillie of Saint Johnis Kirk, John Galluay in Culter, John Broun Edinburgh, 30th March 1609.

there, John Douglas there, Andro Cunnynghame, her servant, Edwart Lindsay in Birkwod, Robert Chanclair there, and Gilbert Hamilton, portioner of Nisbet, on these grounds:—Said persons, "shaiking of all feir of God" and their due reverence for the laws against convocation of the lieges, and for the "peace and quyetnes of that pairt of the cuntrey quhilk in border tymes hes bein ouirrun with maisterfull incurssingis," and resolving to revive "the auld accustomatt insolencis and disorderis," had come, upon the 28th of March instant, "with convocatioun of dyverss of our soverane lordis liegis, all bodin in feir of weir with swords, lanssis, and utheris waponis invasive, to the number of tuentie aucht personnes or thairby on horsbak or fuitt," to the petitioner's lands of Culterhallis, and that part thereof called Hilwod, "mairchand fornent the Buirkwoid." There they "streikit and yokit ane pleughe borrowit be tham fra the said Edward Lyndsay and brocht for the purpois, and maisterfully teilit up the ground of the saidis landis, with the cornis and aittis sawin thereon" by the complainer and "sufficiently breirit above the eird," and cut and destroyed the same, "and with thair harrow brocht for the purpois harrowit and sew the saidis landis violentlie," also casting down the dykes and threatening the complainer's servants "with many terrebill aithis."—Indorsed "*Fiat ut petitur*, Quhittingham."

Edinburgh, 30th March 1609.

112. Petition of William Baillie in Waster Caldar for summons against Colquhoun, son to Arthour Colquhoun in Kenmure, for having, on 18th February last, set upon the complainer as he was returning from the city of Glasgow to his own house in Calder, and wounded him with a "drawn quhinyear," giving him "ane deip straik undir the left paip" and leaving him for dead.—Indorsed "*Fiat ut petitur*, Jo. Prestoun."

William Baillie against Colquhoun for assault.

Edinburgh, 30th March 1609.

113. Petition of Walter Scot of Tushelaw for letters of charge against Sir Robert Scot of Thirlstane, Scot, apparent thereof, John Skaillis, Thomas Hislop in Hoipshous, Robert Pattersone and Robert Calland there, James Windla in Elrive, John Scot there, Robert Bryden there, William Hoip in Etteriksyd, Thomas Brydane there, Robert Greiv in Ramsecleuch, Walter Stoddart in Stabcleuch, Andro Scot in Shorthoip, Mathew Grahame in Dalgleishe, William Diksone there, all men, tenants, and servants of the said Sir Robert, with Margaret Scot, his mother, John Scot, James Almes, and Archibald Stewart, her tenants, in Etterikhous, for furnishing "meitt, drink, hous, harborie, etc." to Walter Scot of Eidshaw, Alie Bartie, oy to James Scot of Gemmilscleuch, Petir Scot, son natural to the said Sir Robert, William Scot, his brother, Symone Scot, his son natural, Alexander Stewart, son to James Stewart of Tynneis, and William Scot in Glake, who on 23rd March instant were put to the horn at complainer's instance for not "subscryving and delyvering" to him "sic forme of assurance" as was presented to them marked by the clerk of Privy Council.—Indorsed "*Fiat ut petitur:* Sir Robert Scot of Thirlstane under the pane of j^{m} merkis; Scot, apperand of Thirlstane, Margaret Scot, mother to the said Sir Robert, ather of thame, under the pane of v^{c} lib.; and ilk ane of the remannet personis under the pane of iij^{c} markis, Jo: Prestoun."

Walter Scott of Tushielaw against Sir Robert Scott of Thirlstane and others.

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James Haig of Bemersyde against John and Thomas Haliburton.

114. Sir Thomas Hamilton of Bynnie, knight, advocate to the King, and James Haig of Bemersyd, crave summons against John Halieburtoun of Mertoun, on these grounds:—On the 24th instant, accompanied by Thomas Halieburtoun, he came, riding on horseback, towards the house of Bemersyd, where the complainer was walking up and down beside his barns, "in quiet and sober maner, single and alane, naked and without armour"; and there these two, armed "with swords, ganteletis, plaitslevis, secretis, lanceis," and also with "pistoletis," in order "to tak thair advantage of the occasion," rode at the complainer. He, however, having "win within" his own "yet," they upbraided him with "mony injurious speiches, and with mony blasphemous aithis avowed to belt him with thair hors wandis"; and, "trusting in the goode and reddie service of thair horsis," they came in to his "yet" and "pressit to haif tumed and shoat pistoletis" in complainer's face, and "thaireftir by the speid of thair horses to haif eschewit." They would have succeeded in this and in slaying complainer "wer not be the providence of God the pistolettis misgave"; after which "in a bragging and most insolent maner" they rode up and down before the gate "a verie long space."—Subscribed S. T. Hamilton.—Indorsed "*Fiat ut petitur*, J. Dalzell." Edinburgh, 31st March 1609.

Royal Letter.

115. Letter under the sign-manual from his Majesty to the Council in favour of Wauchop of Niddry.—Printed in full p. 576 *ante*. Whitehall, 28th April 1609.

Royal Letter.

116. Letter under the sign-manual from his Majesty to the Council anent the Earl of Craufurd's commission against the slayers of Lord Spynie.—Printed in full p. 583 *ante*. Greenwich, 26th May 1609.

Earls of Caithness and Orkney.

117. Copy of the Council's minute, given *ante* p. 294, of the appearance of the Earls of Caithnes and Orkney in the Council room and of their reconciliation there. Edinburgh, 8th June 1609.

Depositions relating to the burning of houses in Dalfeble and the slaughter of two Johnstones there, in February 1602, being the first charge in the indictment for treason against Lord Maxwell in the Parliament of June 1609.

118. Depositions, attested by the signature of the Chancellor, of certain witnesses produced by the Lord Advocate for proving the first charge in the indictment for treason against Lord Maxwell:—(1) Thomas Brattane in Dalfebill, under the Laird of Drumlanrig, of the age of about seventy, unmarried, depones that in February 1602, being in the town of Dalfeble, he saw a number of men come to that town, none of whom he knew, save that he was told by the townspeople that Lord Maxwell was their leader, and there saw the house of Williame Johnestoun, brother to Wilkyn Johnestoun of Elshiesheillis, "all burnane in fyre," and the said Williame Johnestoun himself "lyand deid and slane." He also saw Cudbert Brattan's house burning and Johne Johnestoun, called of Briggis, taken out of that house "all brunt and consumit with fyre." By the voice of the town and country "the Lord Maxwell was halden to be the doar of the saidis burning and slaughter." (2) Cudbert Brattane, aged about forty, married, depones that, in the said February 1602, being in his own house of Dalfeble, he saw Johne, Lord Maxwell, accompanied by about fourteen persons, all on horseback, and armed with steelbonnets, lances, jacks, and pistolets, come to the town, "about nyne houris in the day before denner," and there set fire to the house of Williame Johnestoun; "at the quhilk Edinburgh, 19th June 1609.

tyme the said Williame Johnestoun throuche violence of the fyre left and fled out of his awin hous and come and enterit within this deponaris hous," where Johne Johnestoun, called of Briggis, brother to Johnestoun of Hisliebray, also was for the time. Deponer then saw Lord Maxwell and his complices "sett on fyre this deponaris hous." Then, "this deponar being ganging about the hous and having ressavit his bairnis furthe of the samin hous, and the fyre haveing consumit and brunt the said hous, and the said Johne Johnestoun being brunt quheik thairin, the said Williame Johnestoun come furthe of the said hous, quhair the deponar saw him strikin to the grund with ane lans be the said Lord Maxwell and his complices and hewin thairefter in picis with swordis." Deponer adds that "his haill hous, gudes and geir being thairintill, wes all brunt and consumit with fyre," and that he "saw Johne Johnestoun bodie all brunt and consumit." Asked whether he had ever received any satisfaction for the burning of his house and gear, he depones that, about twenty days after the burning, he received, by command of Lord Maxwell, "thrie bollis meill of Nydisdaill mett," with Lord Maxwell's promise of further satisfaction. Depones further that "immediatlie efter the fyre was first put to the said William Johnestounis hous in Dalfeble the said William cryit for mercie and offerit to cum out to the Lord Maxwell and his complices and to cum in thair will," and that it was "be ressoun they refusit to tak him in mercie" that he fled out of his own hous and came to deponer's, thus causing Lord Maxwell and his complices at once to set it on fire too. The town of Dalfeble lies in Nydisdaill within the parish of Kirkmichaell. Deponer knew Lord Maxwell before the said incidents, but knows not what moved him to commit the acts unless it were "the feid then standing betuix the Johnestounis and Maxwellis." (3) Deposition substantially to the same effect by Johne Brattane in Dalfeble, under the Laird of Drumlanrig, about forty years of age, resident in Dalfeble the last twelve years, but previously in Sheilhill under the Laird of Hempisfeild. Asked whether he saw and knew Lord Maxwell as himself present at the burnings and slaughter, "declares that his nichtboris of the toun of Dalfeble, quho weill knew and war acquentit with the Lord Maxwell of befoir, shew and tauld to this deponar that the man quha had pistolattis about him was the Lord Maxwell." He believes that the reason why Lord Maxwell committed the acts was "becaus he wald haif had all that hecht Johnestoun doun." (4) Reddie Poitt in Dalfeble, married, about fifty years of age, who has dwelt in Dalfeble for the last twenty years, makes a similar and corroborative deposition as to what he saw. The neighbours had told him that the man with the pistolets and riding on the best horse was Lord Maxwell. (5) Deposition by Andro Brattane, chapman, unmarried, aged about thirty, corroborating that of Johne Brattane. (6) Corroborative deposition by Johne Charterhous in Dalfeble, about sixty years of age, married. (7) Johne Thomesone in Dalfeble, about fifty years of age, married, depones that, on the day above specified, about six o'clock at night, he saw the houses of William Johnestoun and Cudbert

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Brattane all burnt, and the bodies of William Johnestoun and Johne Johnestoun "lyand slane upoun the hie streit of Dalfeble," and was told by all the inhabitants that the committer of the deeds was Lord Maxwell in proper person, deponer not having himself witnessed the fact "be ressoun he was furthe of the toun of Dalfeble that day in the morning." (8) Similar corroboration by Adame Poitt in Nether Dalfeble, about forty years of age, married. (9) Ditto by Adame Thomesone in Dalfeble, about thirty years of age, married. (10) Ditto by James Corrie in Dalfeble, about forty years of age, married. (11) John Mundell in Trailflat, under the Laird of Hempisfeild, about fifty years of age, married, depones that, having been in Dumfreis, and returning thence in company with Archibald Glendoning, servant to Gawin Johnestoun of Annaneholme, "as they come to Hempisfeild they went in and drank in the oislair hous thair; at the quhilk tyme the townis-men of Hempisfeild tauld to this deponar and his collig that thair was housis brunt in Dalfeble and sum Johnestonis brunt be the Lord Maxwell; and, as this deponar come furthe of the oislair hous, he saw the Lord Maxwell himself, accumpaneit with tuelf personis or thairby, bodin with waponis, rydane by the toun of Hempisfeild towartis the toun of Drumfreis. And within two houris thairefter this deponar mett with the Lard of Johnestoun, accumpaneit with twelf personis or thairby and ma followand him. Then the Lard of Johnestoun inquyrit at this deponar gif he had sene or met with the Lord Maxwell; quho ansuerit that he had sene the Lord Maxwell ryd by Hempisfeild to Dumfreis." Deponer knew "be the constant bruit of the contrey" that Lord Maxwell was the doer of the said burnings and slaughter.

Deposition of William Johnston of Lockerbie, relating to the second article in the charge of treason against Lord Maxwell: viz., the slaughter of the Laird of Johnstone in April 1608.

119. This deposition is printed in full in Pitcairn's *Criminal Trials* (III. 46–47) as one of the Original Documents there appended to the account of the trial of Lord Maxwell by the Scottish Parliament in June 1609. The deposition, it may be here added, is signed "Williame Jhonstoune" in a neat, expert hand, and is attested "Al: Cancell[s]." Edinburgh, 19th June 1609.

Another deposition relating to the first article of treason against Lord Maxwell.

120. "William Maxwell, younger of Tinwell, of the age of xlvi years or thairby, mareit, depones that, in the monethe of Februar 1602 yeiris, this deponar being in companie with the Lord Maxwell with certane his servandis and freyndis, being all threttene in nowmer, they come to the kirk of Kirkmichaell about mydnycht, of purpois to haif sett upon the Lard of Johnestoun the morne thairefter at ane tryist appointit neir thairby to haif aggreit certane Johnestonis. And, be ressone that purpois failyeit, as thai returnit bak and cumand to the toun of Dalfeble, they sie ane man in the toun of Dalfeble fleand within ane hous; and, Charlis Maxwell of Kirkhous, and Thomas Maxwell, brother to the gudman of Logane, followand to the dure of that hous, the man shoit ane hakbut at thair facis. Throuche the quhilk shoit the two Maxwellis fell; and the Lord Maxwell and his colligis, beleveand that they had bene slane, drew thame bak from the dure. The Lord Maxwell and his colligis thairefter caussit put fyre to the hous incontenent; and in the meantyme of Edinburgh, 20th June 1609.

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the reik that man fled furthe of the hous to ane yard, and come to Cuddie Brattanis hous; and, efter that thai had put fyre to Cuddie Brattanis hous, the force thairof compelland William Johnestoun to cum to the hie streit, the Lord Maxwellis servandis slew the said William Johnestoun; and at that samin tyme the deponar saw William Johnestoun and Cuddie Brattanis hous all put in fyre and brunt; and the Lord Maxwell was present at the said burning and slauchter in Dalfeble. And this deponar and Robert Maxwell of the Tour, the tyme that the Lord Maxwell was puttane fyre to the saidis twa housis, thai disuadit the Lord Maxwell to do the samin. To quhome the Lord Maxwell ansuerit 'I wald I had brokin my neg quhen I brocht you with me, for I had never that turne ado bot thair was sum of my freyndis to hynder me and dishoner me.' And takis on his conscience that thai come nocht of purpois to haif brunt the housis and to haif slane the saidis twa Johnestounis, bot onlie be the accident as he hes befoir deponit. And knew nocht that Johne Johnstoun of the Briggis was within Cuddie Brattanis hous quhen thai brunt the hous; bot be report the morne thairefter they hard the samin be report in Drumfreis."—Signed by the deponer and attested by the subscription of the Chancellor.

Depositions relating to the third article of treason against Lord Maxwell: viz., his breaking of ward from Edinburgh Castle in December 1607.

Edinburgh 20th June 1609.

121. These Depositions are five in number, viz.:—(1) A second deposition on the subject by Archibald Cunnynghame, porter of the Castle of Edinburgh, of whose previous deposition on the same subject there is an entry at p. 766, *ante;* (2) a second deposition by Alexander Struthers, keeper of the Inner Yett of the said Castle, being a sequel to his first deposition, noted *ante*, p. 766; (3) a deposition by Thomas Home, Constable of the Castle of Edinburgh; (4) a deposition by William Symsone, one of the soldiers of the Castle; (5) a deposition by Williame Armestrang in the Chengillis. All the five are given in full in Pitcairn's *Criminal Trials*, III. 41–43. The originals are attested by the signature of the Chancellor subscribed.

Certification of entry of Thomas Livingstone in ward in Edinburgh Castle.

Edinburgh, 24th June 1609.

122. Attestation by John Hamiltoun, notary public, that Mr Alexander Hamiltoun of Kinglas had that day appeared at the Castle of Edinburgh within the outer yett of the same, for himself and in behalf of Alexander Levingstoun of Pantosken, and entered Thomas Levingstoun of Bantone in ward in the said Castle, by delivering him to Archibald Cunyngham master porter thereof, in obedience to King's letters of 16th June 1608, raised at the instance of Robert Menteith upon an Act of Council whereby the said Alexander Hamiltoun and Alexander Levingstoun had become cautioners for the said Thomas Levingstoun that he would keep ward within Edinburgh, and also that he would re-enter into ward in the Castle when charged to do so, under the pain of 10,000 merks. This having been done about five o'clock in the afternoon, the said Mr Alexander Hamilton asked instruments of his due fulfilment of the Act in

[1] For the process against Lord Maxwell in the Parliament of June 1609, founded on these depositions and on other evidence, and for the sentence upon him in his absence, see *Acta Parl. Scot.*, IV., 414–419, and Pitcairn's *Criminal Trials*, III., 32–41.

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presence of these witnesses,--Thomas Johnstoun, portioner of Currie, James Small, servitor to the said Thomas Levingstoun, Thomas Naper, servitor to the said Mr Alexander, and James Finlay, servitor to Sir John Hamiltoun of Grange.

Robert Johnston and his tenants against Thomas and Robert Ewart for assault and oppression.

123. Petition of Robert Johnstoun of Corheid, and Nicoll Mairtene, Jonet Bell, his spouse, Thomas Achesoun, James Mayne, Adam French, Thomas Moffet, Nicoll Achesoun, John Davidsoun, John Mertyne, and William Bell, tenants of the said Robert Johnstoun, for summons against Thomas and Robert Ewarts and their complices, who, "bodin in feir of weir with swordis, lang-staulffis, gantillattis," etc., came to the aforesaid tenants in the month of June, while they were "in sobir and quiet maner bigging scheillis upon the commoun craig callit the commoun of Moffet," and there assaulted them,—the said Jonet Bell so severely "that schortlie thairefter scho tuke bed and pairtit with bairne." At the same time they "maist barbarouslie and unhonnestlie gorrit and slew sex ky and twa scheip" belonging to the said tenants.—Indorsed "*Fiat ut petitur*, R. Cokburne." Edinburgh, 2nd July 1609.

Royal Letter to the Earl of Dunbar, anent the feud of Lord Torthorwald against Lord Ochiltree

124. "James R. Right trustie and right weilbeloved couseing and counsellour, we greit you weill.—Whereas we did particularlie signifie to the Lord Torthorrell at his being heir oure speciall pleasour to haif this grudge and evill will betuix the Lord Uchiltry and him removed, ather by a spedye dew tryall and a criminall persuite (we noway intending to stay the ordinar course of justice) or then by reconciliatioun, so as that monstrous weid of deadlie feid which heirtofore with great paines we haif removed out of that kingdome may not by occasioun of this difference tak any new roote,—wherein, the law being patent for everye one aganis thame which ar guiltye, the differring of persuite still bringis presumptionis of the unpersewed pairteis innocencye, and the bering of grudge aganis any suche persone and intentioun to revenge there conceaved malice at there owen hand is a direct contempt of our authority, the doeris whereof we must accompt undewtifull subjectis,—and therefore we ar to desyre you to signifye oure pleasour and will to the said Lord Torthorrell, and to will him, as he wald expect any favour at our handes, to put some end to this busynes. And so we bid you fairweill. From our Honour at Windsoir the 22nd of July 1609."—Original under the sign manual, addressed to the Earl of Dumbar, Treasurer. Windsor, 22nd July 1609.

John Sinclair for suspension of horning.

125. Petition of John Sinclair, sometime in Ballincreif, and now in Dysart, for suspension of horning raised against him by Alexander Achesoun of Gosfurde, charging him to find caution for the indemnity of the said Alexander and his tenants.—Petitioner pleads that the letters of horning have not been lawfully executed, but that he is content to find caution if lawfully charged, and that the gift of his escheat, which fell by the said horning, is disponed to Alexander Sinclair, son of the deceased Henry Sinclair, "writter in his tyme to the Prevey Seill."—Indorsed "*Fiat summonitio ut petitur* to the twenty day of August nixt, and to suspend and relax *ut infra* quhill the last day of the samyn moneth, becaus the com- Edinburgh, 22nd July 1609.

plener hes found cautioun to the effect within writtin, as alsua the lordis hes sene the gift of the eschete within mentioned.—P. Rollok." Miscellaneous Papers.

Edinburgh, 23rd July 1609.

126. Petition of Marion Gordoun, relict of John Foullertoun of Cairletoun, for letters of lawborrows against Thomas Foullertoun in Sannyke, and John, his son, of Cairletoun, who, with their tenants, servants, and others, "maist havelie molestis, troublis, and oppressis" complainer, her tenants and servants, in the possession of "the thrie merk land of the six merk land of auld extent" in the parish of Borg and Stewartry of Kirkcudbright, belonging to the complainer in liferent, and also in the glebe of the Kirk of Borg, pertaining to her in liferent, by threatening them, and by pasturing their bestial "upon the hanyt girs and growand cornis of the said landis," and casting and winning "peitis, turvis, faill, fewall, and devatis" in the moors and mosses of the same.—Indorsed "*Fiat ut petitur*, ather of the personis within complenit upoun under the pane of ane thowsand merkis.—P. Rollok." Marion Gordon or Fullerton against Thomas Fullerton and his son for molestation and oppression.

At Bewlie, in England, 30th July, and at Edinburgh, 8th August 1609.

127. Copy of contract between his Majesty, on the one part, with the advice and consent of the Lords of his Privy Council, and of Sir James Hay of Kingask, as Comptroller, and the following persons principal, with their cautioners, on the other part:—viz., James Inglis in Glasgow, with Johnne Inglis, skinner in Edinburgh, for his cautioner; Michael Finlasone, merchant in Edinburgh, with David Johnstoune, bailie in Edinburgh, for his cautioner; Edward M^cMathe, merchant in Edinburgh, with Halbert Maxwel at the New Wall for his cautioner; Williame Nicolsone, merchant in Edinburgh, with Johnne Murray, burgess of Edinburgh, for his cautioner; Rodger Donckesone, merchant in Edinburgh, with George Oustean for his cautioner; Alexander Hume, merchant in Edinburgh, with Johnne Arnot, burgess of Edinburgh, for his cautioner; Johnne Makesone, clerk of Craile, with Androw Woode of Largow for his cautioner; James Johnstoune in Air, with for his cautioner; James Fleming in Glasgow, with Thomas Fleming for his cautioner; Robert Hamiltoun in Glasgow, with for his cautioner; Mr Thomas Barclay, with Williame Barclay of Innergellie for his cautioner; and Mr France Bothwel, with James Liddell in Leith for his cautioner: by which contract his Majesty agrees to let to the foresaid principals, their heirs and assigns, for a term of five years from the 1st of November next, "all and sindrie his Majesteis haill customes, alsweill inward as outward, of his Heichnes haill realme of Scotland and haill boundes thairof by sie and land, togidder with the haill auld and new impostis of the wynes dew to his Majestie in ony tyme bygane or to cume be the lawis, use, and practique and consuetude of the samyne realme"; the said principals and their cautioners accepting this tack of the customs, and becoming bound, conjointly and severally, to pay to his Majesty or his Comptroller, during the said space of five years, by monthly instalments, beginning on the 20th of November next, a yearly sum of 115,000 merks Scots by way of rent.—There are a number of minute explanations and provisoes between the contracting parties, the chief being the following:—(1) Excepted from New Tack of the Customs for five years to certain Edinburgh and Glasgow merchants and others.

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this tack are "the priveledgeis granttit to noblemen and barrones upone the conditionis efterspecifeit," and also "the custome of merchandice and guidis transportit out of Scotland to England and importit frome England to Scotland, not being guidis and merchandice brocht frome beyonde sie"; (2) No restraint to be laid by his Majesty during the five years on the export or import of goods hitherto customable; (3) If any licences be granted by his Majesty during the said term for the export to any foreign country of goods, such as great coal, tallow, wool, horses, nolt, and sheep, hitherto forbidden to be exported, or for the import from any foreign country of any goods, such as "claithis, sergis, stemings, cottounes," &c., hitherto forbidden to be imported, these shall not be admitted custom free, or, if licences should be granted for import or export of forbidden goods duty free, corresponding allowance to be made to the tacksmen in their reckonings; (4) If within the said five years the making of broad cloth and other stuffs of wool and yarn shall be put in practice within Scotland, and there shall be exportation of the same, the customs to be imposed thereon to appertain to the tacksmen; (5) One half the value of all goods escheat for avoiding custom during the said five years to go to the said tacksmen, and the other half to his Majesty, and the tacksmen's half to be guaranteed them by a corresponding allowance in their reckonings in cases where his Majesty may remit the penalty; (6) Inasmuch as "by sindrie Actes of Parliament thair is licence and libertie grantit to noblemen, barrounis, and frichaulderis, for the better furneissing of thameselffis and thair housis, to send out of this realme thair awin merchandice and guidis growand upoun thair awin grund, and to bring hame within the same sik necessarie commoditie as servith for the furnessing of thameselffis and thair housis," his Majesty is to see that a statute shall be passed guarding the tacksmen against fraud in this matter by requiring the oaths of the owners and masters of ships, as well as those of the merchants, in verification of the fact that any goods exported or imported are strictly of this description,—failing which, the goods to be arrestable and subject to custom; (7) "In caice it sall happin his Majestie and his Heichnes Counsale in the foirsaid realme at any tyme heirefter dureing the tyme of this present tak to mak and sett downe any pryceis upone the wynis quhilkis salbe brocht within the samyne realme without the advyse of the saidis takismen first had thairto," in that case £10,000 Scots to be allowed off to the tacksmen, in two monthly instalments of £4000 and one of £2000, this always without prejudice to the "libertie grantit be Act of Parliament to the Barrounes and Commissioneris of Burrowis to sett the pryce of the samyne wynes yeirlie." (8) Any goods that may be imported during the tack, by direction of the Treasurer, Comptroller, or other officer of his Majesty, "for furnisheing of his Majestie, the Quenis Majestie his derrest bedfallow, his Hienes deirrest children, thair officiaris or servandis," to be liable to duty; (9) "Becaus his Majestie, with advyse of his Estaitis, hes gevin and grantit full libertie to all noblemen, barrounes, and utheris his Majesteis subjects to by wynes for furnissing

of thair awin housis frie without payment of ony the new impost thairfor, and the merchantis awneris of the samyne wynes brocht as said is salbe onlie subject to the payment of the sowme of sevin pundis foure schillingis for everie tune, as the auld impost accustomit to be payit to his Majestie for everie tune of wyne brocht within the said realme, sua that thairby the saidis takismen and thair foirsaidis wilbe losers, and want of everie tune of the saidis wynes to be coft as said is and to the use abovewritten the sowme of threttene pundis saxtein schillingis money, it is thairfoir covenantit and agreit upone betuix his Majestie and the saidis takismen that, in cace any of the yeiris of this present tak thair salbe ony gritter quantitie of wynes coft be noblemen, barrounes, and utheris his Majesteis subjectis for furneissing of thair housis nor the quantetie of ane hundreth and fyftie tunes yeirlie, his Majestie in that case, with advyse foirsaid, promittis to defaice and allow yeirlie to the saidis takismen and thair foirsaidis the sowme of threttine pundis sextein schillingis money as for the new impost of everie tune of wyne that sal exceid the said nomber." (10) Allowance to be made to the said tacksmen in their reckonings for "all fees and pensionis" legally chargeable on the said customs, including the sum of 100 merks monthly payable from them to the Captain of the Castle of Edinburgh. (11) "In cace it sal happin (as God forbid) that, by occatioune of weir or pest, cevill or forrane, dureing the tyme of this present tak, the traficque of merchandise and hamebringing of wynes and cours thairof to be impedit, quhareby the customes and impostis may be hinderit and thay and thair foirsaidis prejudget of the proffeitt and comodetie thairof," then either this contract may be renounced by them on forty days' warning to the Comptroller, or to the Lords of Privy Council and Auditors of Exchequer, before the 1st of November in the year that may be so visited with war or pest; or otherwise, if they do not so renounce, but continue to intromit with the customs, "in that cace thay and thair foirsaidis salbe frie of payment of ony dewtie for this present tak dureing the tyme of the said weir and pest, except allenerlie they and thair foirsaidis salbe halden to mak compt, rekoning, and payment to his Majestie and his Comptroller for the tyme of sik sowmes of money as thay sall ressave of custome and impost in that yeir," their oaths to be taken for the truth of the account, and allowance to be made to them for their pains of "all fees and deweteis useit and wont to be allowit to his Heichnes customeris." (12) If during the said tack any new custom over and above the present shall be imposed on exports or imports, the funds thereof shall not belong to said tacksmen, but to his Majesty. (13) Nothing in the present tack to be prejudicial to "the tak alredie sett be his Majestie, with consent of his Heichnes Comptroller, under the privie seale, daittit at Perth the sevent day of Julii the yeir of God j^{m} sex hundreth and sex yeiris, to Thomas Meinzeis of , anent the customes of Monrose, Aberdein, and utheris portis thairin expressit," the said Thomas Meinzeis or his representatives always paying to the said tacksmen during their tack a sum of 3000 merks yearly, as by an agree-

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ment made between him and them thereanent.—Finally, the said principals become bound for the relief of their said cautioners, and the parties consent to the registration of this contract in the books of his Majesty's Exchequer of Scotland with all necessary formalities, appointing [blank for the names] or any one of them to act for that purpose. The document concludes "In witnes of the quhilk thing, writtin be W^m. Lauder, nottar, his Majestie, with the said Counsale, Comptrollar, takismen and thair cautioneris, hes subscryvit this present contract and appointment with thair handis,—dayis, yeiris, and places respective foirsaidis."[1]

Warrant for burial of Dr Welwood.

128. "Baillies of the Cannogait:—Wheras it hes pleased God in his mercy to call Doctor Welwode, one of his Majesteis chaplanes, from this mortall lyffe, thairfoir you sal not faill to grant unto him ane buryall within your kirk, upoun suche reasonable satisfactioun as is usuall to be gevin for buryallis to personis of his rank and qualitie; and thir presents salbe your warrand. At Haliruidhous the thrid day of August 1609. Al. Cancell^s., G. Downbar." Holyrood-house, 3rd August 1609.

Bridge of Perth.

129. Original under the sign-manual of the Royal Letter of date Hampton Court 3rd October 1609, anent the expenditure for building the bridge of Perth, given *ante* pp. 599–600. At the foot of the letter are the words "26 Octobris, 1609: *Fiat ut petitur*," in an office hand. Hampton Court, 3rd October 1609.

Benefices of Bishops.

130. Original under the sign-manual of the Royal Letter of date Royston 8th October 1609, appointing Commissioners for guarding the benefices of Bishops, given *ante* pp. 600–1. Royston, 8th October 1609.

Presbytery of Dumfries and Cuthbert Cunningham.

131. Letter, signed by Mr Thomas Ramsay, minister at Dumfries, and moderator of the Presbytery of the same, testifying, in name of said Presbytery, that Cuthbert Cunynghame, notary, burgess of Dumfries, had appeared before them on the 17th instant, offering "to satisfy the Kirk for any fault by him committed," and expressing his willingness to find caution to that effect if freed from his present confyneing in Edinburgh. The Presbytery, thinking themselves not the competent persons to receive such caution, refer the matter to the Lords of Council. Dumfries, 22nd October 1609.

Coinage.

132. Original under the sign-manual of the Royal Letter of date Whitehall 10th November 1609, concerning a change of device on the coinage, given *ante* pp. 605–6. Whitehall, 10th November 1609.

Customs.

133. Original under the sign-manual of the Royal Letter of date Whitehall 10th November 1609, anent certificates of uncustomed goods, given *ante* p. 606. Whitehall, 10th November 1609.

Execution of John Stewart.

134. Original under the sign-manual of the Royal Letter of date Newmarket 1st December 1609, ordering the execution of John Steuart, given *ante* p. 610. Newmarket, 1st December 1609.

License to Forbes of Brux.

135. License, subscribed by the Earl of Dunfermline, Chancellor, and Edinburgh, 1609.

[1] This is doubtless the new Tack of the Customs referred to by the Council in their letter to his Majesty of 20th July 1609 (see *ante*, pp. 589–590) as having been managed by Archbishop Spotswood, and as having been deemed by the Council very advantageous to his Majesty. They had, in fact, on that day, sent up a draft of the Tack for his Majesty's approval and signature. The business had therefore been carried through with speed.

by the Earls of Argyll, Craford, and Mar, to Forbes of Brux to repair to Court for doing certain business, and to remain there so long as the necessity thereof requires. Miscellaneous Papers.

1609 ? 136. His Majesty, "having speciall regaird of the schirefdomes of Beruik, Roxburgh, Selkirk, Peiblis, Drumfreis, and Stewart[re]is of Kirkcudbright and Annanderdaill, quhilkis now be the grite providence of God and unioun of the two kingdomes of Scotland and Ingland in his sacred Majesteis persone, ar become the middle pairt and as it wer the hairt of his Majesteis impyre," and deeming accordingly that these districts "sould be ane example and paterne of civilitie and obedyence to the haill residue of the bordouris of his Majesteis Kingdome of Grite Britane," and being certified of the merits of the persons hereinafter named, ordains commission to be given under the Great Seal constituting Williame, Lord Cranstoun, Audro, Master of Jedburgh, Sir Williame Seatoun of Kylesmure, James Maxwell of Kirkconnell, Sir Johnne Stewart of Tracquair, Williame Douglas of Drumlangrig, Sir Robert Gordoun of Lochinvar, Sir Johnne Murray of Phillophauch, Sir Williame Greir of Lag, Sir Johnne Charterhous of Amisfield, Sir Robert M^cClellane of Bombie, and Sir Thomas Kirkpatrik of Cloisburne, or any [number left blank] of them, his Majesty's justices within the said bounds, with powers to hold courts there as they shall find expedient, appoint clerks and other officers, and adopt all necessary means for apprehension, trial and punishment of persons "delaittit or suspect of murthouris, menslaughter, hamesuckin, robreis, thift or ressett thairof, burneing of housis, fyreaisingis, reiffis, fellonyes, oppressionis, bearing or wearing of gunis or pistollettis, convocatioun of his Majesteis leigeis unlawfullie, ressaveing of malefactoures, paying or taking of blackmaill, or ony other the lyke crymes." The said Commissioners are to have powers, if such criminals retire to strengths, to raise forces for their pursuit and capture with fire and sword, with indemnity for any damages that may ensue; and they are to have each a yearly salary of £500 out of his Majesty's rents and casualties, payable at Whitsunday and Martinmas, while they hold office,—which is to be during his Majesty's pleasure. The draft bears no date. Draft of Commission to Lord Cranstoun and eleven others to act as his Majesty's Commissioners and Justiciaries in the Border shires.

Edinburgh, 11th January 1610. 137. Original of band of lawburrows, John Akinyeane to Archibald Kennedie, given *ante*, p. 716.

138. Original of similar band, Mairtin M^cKie to the same, given *ibidem*.

17th January 1610. 139. Original of band by James Leslie of Mylnetoun for Hector Abercromby of Durnoche, given *ante*, p. 717, under date 18th January 1610.

Royston, 20th January 1610. 140. "James R.—It is our pleasour, will, and expresse command that, in the inserting in the Parliament Register of the process of forfeitour of the disceased trayterous Laird of Restalrig, that you shall at all length ingrosse the missive letters and so much of Sprotte his depositions as doeth concerne that mater. For doing whereof these presents shalbe unto you a sufficient warrant.—To our trusty and welbeloved Counsellour Sir Johne Skene of Curryhill, knight, clerke of our Register."[1] Royal instruction concerning the Parliamentary record of the process against Logan of Restalrig for art and part in the Gowrie treason.

[1] How strictly this injunction was obeyed will be seen by reference to the printed Acts of Parliament, vol. iv., pp. 419–428. The famous Logan letters are there ingrossed.

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141. Original of George Merser's band given *ante*, p. 717. Edinburgh, 23rd and 29th January 1610.

142. Original of William Scot's band for Dame Margaret Durie, given *ante*, p. 718.

Copy of Royal Letter of 20th January 1610, reconstituting the Scottish Privy Council, granting special privileges to the re-appointed Privy Councillors, and prescribing their future forms and duties.

143. "Forsamekill as the great and superfluous nomber of people of all estaits and conditiounis admittit to be of our Privie Counsell hes not onelie bred great confusioun in the treatting of effaires and contempt in the subject of that place and dignitie, bot also hes procured no small hinderance to the publict good of that estate and advancement of our service: Thairfoir we have thought good to nominat the particular persons after-specified,—they ar to say Alexander, Erle of Dumfermline, chancellour, George, Erle of Dumbar, thesaurar, George, Archebishop of St Andrewes, Johne, Archebishop of Glasgow, Archibald, Erle of Argyle, George, Erle of Mairshall, Johne, Erle of Mar, Johne, Erle of Montrose, Johne, Erle of Cassills, James, Erle of Glencarne, Alexander, Erle of Linlithgow, Johne, Erle of Wigtoun, Patrik, Erle of Kinghorne, James, Erle of Abercorne, Robert, Erle of Lothiane, David, Bishop of Ros, Robert, Lord Roxburgh, David, Lord of Skoone, Walter, Lord Blantyre, Michaell, Lord Burlie, Sir Richard Cockeburne of Clerkingtoun, Lord Privie Seale, Sir Alexander Hay, knyght, secretarie, Sir James Hay of Kingas, comptroller, Mr Johne Prestoun of Pennycooke, collectour, Sir Johne Skeene of Curriehill, clerk of Register, Sir Johne Cockeburne of Ormestoun, knight, justice clerk, Sir Thomas Hamiltoun of Bynnie, knight, advocat, Sir Peter Young of Seytoun, eleemosyner, Sir John Arnot, thesaurar-depute, Alexander, maister of Elphinstoun, Sir Robert Melville of Mordecarnie, knight, Sir Robert Melville of Bruntilland, Sir Williame Livingstoun of Kilsyth, Maister George Young,—extending in all to the nomber of threttie-fyve persouns, to be of our Privie Counsell, and that the said nomber sall not be exceedit at anie tyme heerafter. Of the whilkis threttie-fyve persouns abone specified there sall at least sevin be conveenned before ather maters of estate be treatted or anie actiouns or complaints heard; nor sall they in anie wayes proceid except the nomber of sevin counsellours be present togidder. And in speciall we have appointed the tymes of meeting of the saids counsellours for treatting of maters of estate and laying doun of overtures for the good governament of the commounwealth and for keeping of peace and obedience in the cuntrie to be weekelie upoun Tuisday afternoone, and for hearing of actiouns and calling of complaints competent to that judicatorie weekelie upoun Thurisday afternoone; and thair conveening ordinarlie to be at Edinburgh or anie other place where they sall thinke meete; and none to be present at thair meeting except so manie of thameselffes as sall happen to be present and the clerk of Counsell onelie. And, becaus we will have suche as we sall thinke worthie of that place to be speciallie regairdit and injoy some priviledges above others who ar not troubled with that burdene, it is our pleasure that everie ane of the saids counsellours in anie place of thair abode for the tyme sall have free power and commissioun as they sall thinke expedient, upoun the interveening of anie trouble or ryot, to Edinburgh, 13th February 1610.

command and charge the doers thairof to enter in waird in suche warde or castell and within suche a short space as they sall thinke expedient till forder ordour be tane by the whole bodie of the Counsell in that mater. And, if in anie wise the saids counsellours command gevin to anie persoun in any suche mater be neglected, it is our pleasure that, upoun report of the same, a particular pane and fyne be injoynned to the neglecter; and, if the offender be present, that he be committit to warde whill the same be satisfied to oure thesaurar for our behooffe; and, in case of his absence, that letters of horning be direct for the same; and that the saids paines and fynes be modified be our Counsell according to the qualitie of the persoun and greatnes of the offenss. And we promise to assist everie ane of our saids counsellours in thair proceedings, that thairby it may be knowin that the same is grantit unto thame as a speciall favour and priviledge for thair service. Providing alwayes that they be accomptable to us and the rest of our Counsell that no just caus of complaint be heard aganis thame. And, becaus heeretofore small regaird hes beene had by counsellours in thair residence to await upoun that service, almost never repairing bot onelie upoun the necessitie of thair awin effaires or some of thair freinds particulars, there beiug no penaltie nor pane imposed to thame for thair absence, we will and command that whosoever he be of the nomber abonespecified that sall happin to be absent frome the said Counsell foure dayes togidder of ordinarie sitting, not having of before purchast of the rest licence to be absent, that his said absence during the said space sall *ipso facto* inferre deprivatioun frome his place of our Counsell; and we, after the expyring of the said space, will present another in the place. And, becaus heeretofore there hes beene ane great abuse in manie of our Counsellours, who have not beene ashamed to sitt in Counsell being our rebellis and at our horne, it is our pleasure that, if anie of the saids Counsellours sall remane fourtie dayes at the horne unrelaxt after thair denunciatioun for anie caus whatsomever, the said space being expyred and the horning produced by our thesaurar, thesaurar-depute, or advocat, [he] sall thairupoun losse his place *ipso facto*, and we will appoint some other in his vacant place who sall injoy the same. And whosoever sall be admittit to be of that Counsell and sall not within sax moneths produce a testificat that he hes communicat and is willing also to give all other dew satisfactioun to the Churche, in that caise he sall *ipso facto* losse his place, as also if at least once everie yeere he doe not communicat the same sall be voide.—Given at our Court in Roystoun the twentie of Januarie 1610.—Extractum de libris actorum Secreti Consilii S. D. N. Regis per me Jacobum Prymrois, clericum ejusdem: sub meis signo et subscriptione manualibus,—Jacobus Prymrois."[1]

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24th February 1610. 144. Original of band by Williame Buchanan of Drummokill for Johne M^cKoull in Gartphairne, given *ante*, p. 720. Band.

[1] Here at last we have an authentic copy of the Royal Letter reported as missing at pp. 414–415 footnote, in consequence of a defect there of the Register of the Council.

Miscellaneous Papers. Gilbert Baird.

145. Original of band by Hew Craufurde of Quhythill for Gilbert Baird of Auchmeden, given *ante* p. 723. 27th February 1610.

Adam Ritchie for letters of lawburrows against certain persons.

146. Adam Richie, late treasurer and burgess of Ayr, seeks letters of lawburrows against John Wallace of Craigie, William and Robert Wallace, his sons, Andro Craufurde of Dririgis, William Findlay in Knokdoliane, James Angus, brother of George Angus of Brighous, Hew Cunynghame, son-in-law to the said George, Steine in Rickertoun, William Wallace of Barneweill and his son Robert, John Wallace of Louis, John Craufurde of Goldring and William his son, George Bell, burgess of Ayr, George Cauldwell, brother of the laird of Lochermos, William Cauldwell, son natural of umquhile James Cauldwell of Lochermos, and James Kennedy, son of Andro Kennedy, burgess of Ayr, who daily threaten to take his life.—Indorsed "*Fiat ut petitur*, the laird of Craigie under the pane of £1000, Andro Craufurd of Drirgis, W. Wallas of Barneweill, John Wallas of Louis, John Craufurd of Goldring, ilkane of thame under the pane of 1000 merkis, and ilkane of the rest under the pane of 500 merkis, R. Cokburne." Edinburgh, 27th February.

Bruce of Airth against Sir George Elphinstone of Blythswood and others.

147. Sir Thomas Hamilton of Bynnie, king's advocate, and Sir John Bruce of Airth, knt., crave letters against Sir George Elphinstoun of Blythswoode, knt., Alexander, lord Elphinstoun, Alexander, Master of Elphinstoun, and others their accomplices, charging them to answer before the Council for having, on the day of October preceding, "with convocation of His Majesty's lieges, bodin in feir of weir, with secreitis, steilbonnettis, gantillatis, plaitslevis and uthiris waponis invasive, and with houquebutis and pistollettis," carried off forcibly from the lands of Lethame the teindsheaves of the same which belonged to the said Sir John Bruce.—Signed S. Th. Hamilton.—Indorsed "*Fiat ut petitur*, M. G. Young." Edinburgh, 1st March.

George Angus of Brighouse against certain persons.

148. Petition by George Angus of Brighouse, as follows:—"That, quhair it is not unknawin to your lordships, the mony oppin wrongis, injuries and oppressionis done from tyme to tyme to me by the inhabitantis of the burgh of Air, who by all meanes hes socht my utter wrack and overthraw, and hes compellit me, for just feir of my lyff, to remove myselff and familie furth of the said burgh, from my awne heretage, to duell alandward; quhairupoun it pleasit the lordis of Counsaill and Sessioun to exeme me from all jurisdiction or auctoritie thay micht haif over me in ony action criminall or civill quhatsomevir, and hes dischairgit the magistratis thairof from all wairding, troubling, citeing or persewing of me befoir thame at ony tyme heirefter; and I hoiping that, in regaird of the said exemptioun, nane of the inhabitantis of the said burgh sould haif presomed to haif committit ony farder offens and injurie aganis me: it is of treuth that, upoun the tuenty day of Februer last, I haveing repairit within the said burgh of purpois to have [met] with William Stewart of Halrig, for ressaveing from him the fourt termes payment of his landis of , lyand within the Stewartrie of Kyle Stewart, quhairof I am ordiner clerk and collectour depute of the taxatioun thairof, and being informit that the Edinburgh, 1st March 1610.

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said William wes gone to the hillis of Air for reposing of himself thairupoun, I resolved to go unto him, and, being comeing furth the hie calsay, Adame Ritchie, merchand burgess of the said burgh, accompanyit with George Tennent, ane of the officiaris thairof, both bodin in feir of weir with swordis, gantelettis and utheris vapponis invasive, come unto me, and in a bragging maner the said Adame Ritchie upbradit me with mony injurious and reprotchfull speiches, saying he sould red up my silver veschell, and sould not leave me fyve schillingis detles, and, provoking me to go to the hillis of Air, said he sould kaist his sword from him and ryve him [me] in peices with his naillis, and in end, without respect haid be him to the said exemptioun, naither yet he being a magistrat of the said burgh, proudlie and avowedly commandit the said officiar to committ me to waird within the toilbuith of the said toun, quhilk they haid not failit to haif done wer not be the help of some people thay wer stayit. And, I haveing than went furth of the said burgh to meet with the said William Stewart, and thay knawing perfytlie that I wald returne that way throw the said burgh to my awin house, they, resolveing to execute thair private grudge aganis me, convocat and assemblit togidder , with convocatioun of our soverane lordis leigis to the nomber of personis, all bodin in feir of weir with swordis, gantelettis, plaitslevis and utheris vapponis invasive, rankit and placit thame selffis in battell array upoun that pairt of the calsay of the said burgh maist ewest the west port of the same, whairat I sould haif enterit agane, of sett purpois [and] provisioun, how soone I haid enterit within the said port, to haif slane [me]; quhilk they had not failit to have done wer not by the providence of God I wes adverteisit and enterit not at the said port, but took a hors and road about the same burgh in heich. Heirfor I beseik your lordships that I may haif lettres direct chargeing the said personis to compeir personalie to answer, under the pane of rebellioun &c."—Indorsed "*Fiat ut petitur*, M. G. Young."

Edinburgh, 1st March 1610.

Provost, Bailies, and others of Ayr against George Angus.

149. Complaint by John Lockhart of Boghall, provost, George Masone and Hew Kennedy, bailies, of Ayr, and Adam Richie, late treasurer and one of the councillors of the said burgh for his interest, for themselves and in name of the council and community thereof, against George Angus, sometime burgess of the same, whose injuries and oppressions from time to time for years committed upon his co-burgesses and neighbours were not unknown to the Privy Council, and who, for an open and notorious injury lately done to Adam Stewart, then provost, having been, by decree of the town-council 27th December 1608, following on a bond voluntarily granted by himself and confirmed by decree of the Privy Council 12th January 1609, bound to good behaviour under a penalty of 500 merks toties quoties, had incurred the said penalty in manner following:—When the foresaid Adam Richie, who had been directed by the provost, bailies, and council to gather in the burgh customs and duties which remained unpaid of the last year of his treasurership, *i.e.*, 1609, and to render account, was passing through the burgh in the discharge of this duty, with George

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Tennand, town officer, they met unexpectedly the said George Angus; and, the said officer having demanded of him payment of the duties which he owed, with the alternative of being put in ward, he not only treated the charge with contempt, but said "that he wald nather ken provost, bailleis, thesaurer, nor the toun, in that nor na uther mater," and farther assailed the said Adam Richie with many injurious words, challenging him to meet him in single combat upon the hills beside the burgh; whither he went straightway, accompanied by 30 persons or thereby, all armed with "swords, gantilletis, plaitslevis, langstaffis" and other weapons, and where the said persons walked and remained for a long time, waiting for the said Adam Richie, resolved to bereave him of his life, and having also certain led horses in readiness for the escape of the said Angus after the execution of his intended purpose. The complainers, therefore, pray that the aforesaid decreet be put in execution against him, and crave letters charging him to compear to answer to this complaint.—Indorsed "R. Cokburne."

Andrew Wardlaw of Torrie for summons against his son.

150. Petition of Andrew Wardlaw of Torrie for summons against his son, as follows:—"That, quhair Andro Wardlaw, my eldest lawfull sone, be the informatioun of some malitious personis who seikis his discredite and wracke, having shaikin of that modest and deutifull cariage and behaviour which in conscience befoir God and in dewytie befor the world he aucht to me, and being unmyndfull and ungrait of the mony favouris quhilkis to my awne grite prejudice and inconvenience I haif bestowit upoun him, he hes begun to molest, trouble and oppres me in the possessioun of my landis of Techmure, lyand within my baronie of Inchegall; fra the quhilkis he intendis be manifest oppressioun and violence to debar and seclude me, at the leist to mak the samyn unproffeitable unto me. And for this effect, upoun the day of November last, he come to my saidis landis, and violently...seasit upoun my haill cornis standing in my barne yaird, intromettit thairwith and with xxiiii young oxin quhilkis wer upoun the ground of my saidis landis, and disponit therupoun at his pleasour; off the quhilk insolence and wrang informatioun being maid to me, I causit loke and cloist the durris of the barne...of purpois to haif preservit the small remanent of my cornes ...; but my unnaturall and unkyndlie sone, heiping wrang upoun wrang, come to my said barne upon the day of , brak up the duris thairof, reft and away tuke the haill cornis being thairintill, with the haill plenissing being upoun the ground of my said rowme, and hes disponit thairupoun at his pleasour."—Indorsed "*Fiat ut petitur*, Kilsayth." Edinburgh, 2nd March 1610.

David Ferguson against George Corrie of Kelwood and others.

151. Complaint by David Fergusoun, brother to George Fergusoun of Thrave, to the following effect:—"Upoun the day of j^m vj^c and aucht yeiris, George Corrie of Kelwood, David, his brother, and James Chalmeris, notair in Air, being bodin and furneist with swordis, daiggeris, gantillatis, and utheris wapponis invasive, and with hagbutis and pistolletis prohibite to be worne, come airlie in the morning, about foure houris, to the said place of the Thrave, quhair I was in sober maner for the tyme in my bed, takand the nychtis rest, and thair violentlie and perforce dang and Edinburgh, 2nd March, 1610.

brak up the duris of the chalmer quhair I lay as said is, enterit thairin with drawin swordis, hagbutis, and pistolettis in thair handis, and shamefullie, cruellie and unmercifullie invadit and persewit me ane lang space with drawne swordis for my bodelie harme and slauchter, and thaireftir presentit hagbutis and pistolettis to my breist, of purpois and intentioun to haif slane me; quhilk thay had nocht faillit to haif done, wer not, be the providence of God, my awne better defence, and help of certane personis thair present for the tyme, I eschaiped." Wherefore summons is craved against the parties.—Signed by Sir Thomas Hamilton, King's advocate.—Indorsed "*Fiat ut petitur*, M. G. Young." Miscellaneous Papers.

Edinburgh, 2nd March 1610. 152. Laurence Abernethie in Banff and Archibald Mair in Montcoffer, servitors to Mr Robert Irwing, portioner of Montcoffer, and the said Robert for his interest, complain that, on the day of bypast, when they were at a place called Kirksyde, belonging to their master, on the water of Doverne, Gilbert Bard of Auchmedden, accompanied by Thomas Kennedy, burgess of Banff, Alexander Twye, Thomas Cassie and William Reid there, James Adamsone in Sandiehillis, and Adamesone, his brother, laid violent hands on them, and with great "rungs" gave them many bloody strokes, and with drawn swords wounded them to the great effusion of blood, finally casting them into the stream and compelling them at the hazard of their lives to pass through the same.—Summons is craved against the parties.—Indorsed "*Fiat ut petitur*, Kilsayth." Laurence Abernethy and Archibald Mair against Baird of Auchmedden and others.

Edinburgh, 2nd March 1610. 153. John Gemmell, notary in Cumnok, Andro, Patrik, Hew and William, his sons, George Campbell in Eshmerk, and James Reid in Pennyland, crave suspension of letters of lawburrows obtained against them by Johnne Good in Cumnok, pleading that the penalties therein contained "ar verie extraordinar and grite, far above the sowmes prescryvit be the act of parliament made anent modificatioun of the panes of lawburrows"; the petitioners, moreover, being "bot poore yeamen men and laboraris of the ground," and "the said Johne Gemmillis sones bot young boyis."—Suspension granted till the last day of March.—Subscribed "Kilsayth." John Gemmell and others for suspension of lawburrows.

Edinburgh, 2nd March 1610. 154. Donald Roy M^{c}Onleve, eldest son and apparent heir of John Moir M^{c}Onleave of Achnacreis, craves letters of lawburrows against Donald Campbell of Drungie, John Campbell, fiar of Drungie, and his brothers Robert and Dowgall, who daily menace his life.—Indorsed, "*Fiat ut petitur*: Donald and John Campbellis ather of thame under the pane of , and ather of the uther tua personis within complenit upon under the pane of . Kilsayth." Donald Roy M^{c}Onleve for lawburrows against David Campbell.

2nd March 1610. 155. Original of band by Johnne Reid of Rogertoun for James Reid of Pennyland and others, given at p. 721 *ante*. James Reid.

Edinburgh, 3rd March 1610. 156. Petition of Hew, earl of Eglingtoun, for summons against Hew, lord Campbell of Lowdoun, Dame Jeane Campbell, duchess of Lennox, and others, requiring them to produce before the Council against a certain day the person of his wife Dame Margaret Montgomrie, countess of Eglingtoun; whom, in the month of June 1608, certain persons "bodin in feir of weir" had, by their instigation and direction, enticed from his Earl of Eglinton against Lord Loudoun and others for the abduction of his wife.

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house of Kilwynning, pretending that the said duchess was "upon the fields" desiring to speak with her, and had carried her off by force to the said lord of Lowdoun's place of , where she is still detained a prisoner.—Indorsed "*Fiat ut petitur*, Kilsayth."

Thomas Walker against James and Walter Wood for assault and oppression.

157. Petition of Thomas Walker in Fettercarne for summons against James Wod, servitor to Sir Johne Wod of Fettercarne, and Walter Wod, son lawful to umquhile Archibald Wod, sometyme of Wodstoun, on the ground that the said persons, having conceived a deadly malice against him, have often sought occasion to execute it. For example:—(1) "Upoun the xxvi day of November last the saidis personis, bodin in feir of weir, ... come under clud and silence of nycht to my house of Fettercarne, and thair violentlie compellit Johne Smyth, smyth in Fettercarne, whom thay haid tane furth of his naked bed, brak up the lokis of the duris of a chalmer of my said duelling hous, enterit thairintill, and as yit keepis and withaldis the same from me." (2) "Upoun the fourth of Februer last, being Sounday, I being in the kirk of Fettercarne, sitting in my seate within the same, attending to the sermone thair delyverit be the minister of the same kirk, the said James Wod, without respect haid be him to the tyme, being the Lordis Sabboth, and place, being the house of God, befoir the sermone wes endit and the minister come from the pulpite, he, bodin in feir of weir as said is, come unto me, pat violent hand in me, and haid not failit to haif bereft me of my lyff wer not be the providence of God and help of the people present he wes stayit, and he than avowed to haif my lyff how soone he sould start me upoun the feildis." (3) "Upoun the xxi day of February last the said James Wod, bodin in feir of weir as said is, come under cloud and silence of nicht to my duelling hous in Fettercarne, and with drawin swordis straik in at the durris and windowis thairof, ran to tua severall houses of the toun, ... and borgh [brought] fyre furth of the same houses, and treasonablie pat the same to my said [hous], of purpois and intentioun to haif brynt the said hous and my haill familie thairintill, wer not be the providence of God he was stayit."—Indorsed "*Fiat ut petitur*, M. G. Young." Edinburgh, 3rd March 1610.

Agnes Nicoll against Sir James Forrester.

158. Petition of Agnes Nicoll, relict of William Forrester, burgess of Stirling, for summons against Sir James Forrester of Garden, at the horn since 28th February last for not paying her £1000, with £100 of expenses.—Indorsed "*Fiat ut petitur*, M. G. Young." Edinburgh, 3rd March 1610.

Michael Herbertson and his sister against Ninian M^cCulloch for assault.

159. Petition of Michaell Harbertsone in Kailnygane, and Cristian Harbertsone, his sister, for summons against Ninian M^cCulloch in Drumbodin, on these grounds:—(1) In January last said Ninian, "under cloud and silence of nycht, with thrie or four persones all bodin in feir of weir with drawin swordis," came to the complainer's "awin dwelling hous of Kilingane" and there pursued him for his life, so that he "hardlie eschapit." (2) Upon the 26th of February last, the same persons came armed to the lands of Kilingane, where the complainer and his servants were "in sober maner at the pleuch," and with swords attacked them "maist feirclie," so that they had to flee to the house for refuge, "and hardlie es- Edinburgh, 5th March 1610.

cheapit," while "the said Ninian minassit and boistit the said plewmen to bereave thame of thair lyffes." (3) In the same month of February, the said Ninian, "with ane grite rung and flaill in his hand," attacked the said Cristiane Harbertsone, and "but pitie or compassioun, but ony offence offerit to him ather in word or deid, cruellie strak, dang and woundit" her in "all the pairtis" of her body, to the great effusion of her blood, so that she has "continewallie lyne bedfast, be all apeirance not abill to convalesce of the said woundis."—Indorsed "*Fiat ut petitur*, Al. Cancell[a]." Miscellaneous Papers.

5th March 1610. 160. Band of lawburrows by John Riddell, younger, for Thomas Arbuckell. See *ante*, p. 722. Thomas Arbuckle.

Edinburgh, 5th March 1610. 161. Petition of John Currie, "merchand travellour, induellar in the Kirkstyll of Cglishe," for summons against William Brysone in the Boirland, William Brysone in the nether end of the Kirktoun, John Young, servitor to the said William Brysone in the Boirland, James Bankheid, miller in the Kirktoun, and John Armour there, on the ground that, "on the twenty aucht day of Januar or thairby, being Sonday," when the complainer was "going in sober and quyet maner" at his own dwelling house and yard "efter super" and "lipnyng for na harme," the persons aforesaid, "schaiking of all feir of God and reverence to the hailly Saboth," and "bodin with swordis, quhingeris and utheris waponis invasive," attacked petitioner, first striking him on the head with a sword, and then "behind his bak" giving him "a deip straik and wound in at his schoulder blaid, direct foiranent the hairt, of fyve inche deip, to the greit effusioun of his bluid"; after which, when he "was hardlie cariet" to his own house, the said James Bankheid and John Armour "came to his doors, and, entering the house, "tuik thame to treis, iron taingis" and other weapons, and "bostit, schorit and minassit to have his lyff."—Indorsed "*Fiat ut petitur*, Al. Cancell." John Currie against William Bryson and others for murderous assault.

Edinburgh, 6th March 1610. 162. Petition of John Grahame, burgess of Stirling, as follows:—"Upon sinister informatioun maid to James, lord Bewlie, comptroller," said Lord had lately "causit tak and apprehend" him, "turn him naked," and imprison him within "the Irnehouse" of the tolbooth of Edinburgh, where he has lain "captive in grite miserie," though he has committed no crime. He therefore craves summons of the said Comptroller before their lordships to hear command given to the provost and bailies of Edinburgh to put him to liberty.—Indorsed "*Fiat ut petitur*, M. G. Young." John Graham against Lord Bewlie, Comptroller.

Edinburgh, 6th March 1610. 163. Petition of Allastir Reoche in Bregache for summons against William Buy in Leachtervandiche, for having, on 20th December last, come "undir cloud and silence of nycht" to petitioner's dwelling house in Bregache, where he was with his wife and family, "band him hands and feit with a horse tedder," wounded him in the head and other parts of the body "with a drawn durk," and also with the same dirk wounded his wife in the head.—Indorsed "*Fiat ut petitur*, R. Cokburne." William Reoch against William Buy for assault.

Edinburgh, 6th March 1610. 164. Petition of George Durie "in the toun of Levin" in these terms:—"Quhair, upoun the last day of Februare last, William Hay, lykwise George Durie against James Sibbald, bailie of Leven.

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indueller in the said toun of Levin, upoun a deadlie malice consavit be him aganis me, haveing gevin me a deadlie wound in my body abone my pape, quhairof without doubt I will schortlie pairt this present lyf, upoun occasioun of the quhilk James Sibbald, baillie and magistrate of the said toun of Levin, took and apprehendit the said William Hay with the blody hand, as ane instrument takin thairupoun, under the subscriptioun of David Sym, notar, heir present to shaw, beiris; and, althocht daylie I become waiker and am neir the verie point of death, without hoip of lyff and no way able to convalesce; yit, as I am informit, the said baillie hes alredy, at the leist intendis, to put the said W^m^. Hay to libertie and fredome, and suffer him eschaip, and thairby mak him eschew the puneishement dew to him for his demerite how sone I sall depairt this present lyffe": therefore summons is craved against the said bailie, enjoining him to produce the offender before their lordships, &c.—Indorsed "*Fiat ut petitur*, M. G. Young."

Geils Roryson against Cuthbert Hairstanes and others for assault and oppression.

165. Petition as follows:—"My Lordis of Secrete Counsaill, unto your lordships humelie meanis and shauis I your servitrice Geillis Rorysone in Penfillane, that, quhair Cuthbert Hairstanes in Penfillane, and Thomas Hairstanes, his bruther, upoun a malice and haitrent consavit be thame aganis me, and of the speciall causing, sending, hounding out, command, ressett, assistance, and ratihabitioun of James Greirsone, bruther to Thomas Greirsoun of Parjarg, and Gilbert Greirsoun of Auchingibbert, upoun the day of 1608 come to my peit stak, wonne be me in that sommer for my use and benefite in the winter thairefter following, and proudlie and avowedlie upoun fair daylicht kaist fyre to my said peit stak, and treasounablie brynt the same peites in asses, and thairwithall violentlie kaist doun to the ground my keale yaird dykis, and with thair cattell eittit, trampit, and distroyit my haill kaill and herbis growand within the same for the tyme. Lyk as, upoun the day of August in the said year 1608, the saidis personis come, be way of hamesuckin, to my awin duelling hous in Penfillane, pat violent hand in my selff, and with drawin swordis schamfullie, cruellie, and unmercifullie invadit and persewit me of my lyff, gaf me nyne severall blody woundis in divers pairtis of my body to the effusioun of my blod, and left me for dead, and violentlie reft from me a lynning wob worth xx lib." Wherefore summons is craved against the offenders.—Indorsed "*Fiat ut petitur*, M. G. Young." Edinburgh, 6th March 1610.

James Kennedy against Francis Johnston and others for assault.

166. Petition of James Kennedy, servitor to William Jardane of , and of the said William Jardane "as maister to him," for summons against Frances Johnnstoun of Hungriehillis, William Johnistoun, his brother, Niniane Johnistoun, called Blak Niniane of Podeine, and Johne Johnistoun of the Gait, for having come "bodin in feir of weir" to the said William Jardane's proper lands of Rycastle, where the said James Kennedy was "ganging at the pleugh," and there put violent hands on him, wounded him, and "chaissit the pleugh af the ground."—Indorsed "*Fiat ut petitur*, R. Cokburne." Edinburgh, 6th March 1610.

Edinburgh, 6th March 1610.

167. Petition of Walter Dowglas, sometime in Dallasche, for summons against John Gordoun of Cullendache for having come, on the of October 1601, when petitioner was in the dwelling-house of Andro Arnot in Borg, doing his "lesum effairis," struck him "with his handis and feit" upoun his back and belly and other parts, taken him furth of said house, bound him to his horse's tail, and drawn and "harlit" him after his said horse "be the space of half ane myle," thereby breaking two of his ribs, mutilating one of his fingers, wounding him in the head, &c.—Indorsed "*Fiat ut petitur*, M. G. Young." Miscellaneous Papers. Walter Douglas against Andrew Arnot for assault in 1601.

Edinburgh, 6th March 1610.

168. Petition of Sir John Arnot of Berswik, knight, treasurer depute, for letters of charge against William Forbes of Corsinday, as cautioner for William Morgin in Edmonoch, for payment of 100 merks of penalty incurred for the non-compearance of the latter before their lordships to answer to a complaint of Andro Skeine of Auchorne for hurting and wounding the said Andro.—Indorsed "*Fiat ut petitur*, M. G. Young." Sir John Arnot, treasurer depute, against Forbes of Corsindae.

Edinburgh, 6th March 1610.

169. Petition of Sir James Murray of Cokpule for summons against Robert Johnestoun of Recleugh, tutor of Johnestoun, on the following grounds:—Petitioner has "the maist pairt of the fischeing of the water of Annand," pertaining to him heritably, and has long been in peaceable possession of the same. Of late, however, said Johnstoun "hes begun most havelie to trouble and molest" him in this possession, intending, "be way of deid, bangstarie, and oppressioun," to debar him from the same or to render it unprofitable. For this purpose, "it being alwyse unleisome to ony persone pretending richt of fischeing in the said water to weitt nettis thairin or fische ony within the same water during the space that the see flowis thairintill, bot quhill as the tyd is rynning bak allanerlie," the said Johnistoun has notwithstanding, "monethelie in the monethis of Aprile, May, Junij, Julij, and August respective last bipast," fished and killed great numbers of salmon "in the verie tyme of the flowing of the sey and befoir the ebbing thairof"; besides which, "accumpanyit with his servand, bodin in feir of weir," he had come to the part of the said water pertaining to petitioner, called the Wait Skare, put violent hands on complainer's servants, and "with drawin swordis" invaded, pursued, struck, and wounded them.—Indorsed "*Fiat ut petitur*, R. Cokburne." Sir James Murray of Cockpool against Robert Johnston of Raecleugh, for violent interference with his right of fishing in the water of Annan.

Edinburgh, 6th March 1610.

170. Petition of John Ker, portioner of Dudingstoun, for letters of charge against the following persons who were put to the horn at his instance on 9th March 1609 and 3rd March instant:—viz. (1) Thomas Hay of Scrogis, and Abigall Carmichaell, his spouse, for a debt of £24 with £10 of expenses, and also for a debt of £28 and £5 of expenses; and (2) George Douglas of Langnudrie, for a debt of "sevin scoir merkis" and £20 of expenses.—Indorsed "*Fiat ut petitur*, R. Cokburne." John Ker against certain persons for debt.

Edinburgh, 7th March 1610.

171. Petition of Murdo Dellinoch, servitor to Donald M^cKy, apparent of Fer, and of said Donald as his master, for summons against Rory Johnne Williamsoun, for having, on a certain day (left blank) come upon said Murdo when he was travelling in Strathnaver, seized him, carried Murdo Dellinoch against Rory John Williamson.

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him captive to his duelling-house in , bound him hand and foot, kept him so bound "in prisone the haill space of aucht dayes," and then stripped him naked as he was born, set him to the fields, and compelled him "to ryn sex mylis naked" before he could get any clothes.—Indorsed "*Fiat ut petitur*, R. Cokburne."

The Earl of Moray against the Earl of Atholl.

172. Petition of James, Earl of Murray, for letters of charge against James, Earl of Athoill, at the horn since 18th July 1609, at the petitioner's instance, for not "rendering, restoring, and delivering" to him the "airschip guidis and geir" specified in a decreet obtained before the lords of Council against the said Earl of Athoill on 13th February 1608,—the said goods having been "wranguslie intromettit with and awaytane by umquhill Johne, Erll of Athoill, his servandis and complices, furth of the castell and place of Darnoway,"—together with £25 of expenses of plea and "sentence silvir," contained in the said decreet.—Indorsed "*Fiat ut petitur*, R. Cokburne." Edinburgh, 7th March 1610.

Sir Robert Scott of Thirlstane and others for suspension of horning raised against them by the burgh of Peebles.

173. Petition by Sir Robert Scot of Thirlestane, Sym Scott of Bonytoun, and John Scott, sometime in Hundillishoip, Wm. Scott in Glak, Thomas Scott, bruther to the said Sym, and Walter Scott in Bowhill (the last four names scored through), for suspension of horning against them, at the instance of the "provest, bailleis, counsall, and communitie of Peiblis," for not having appeared before their lordships to answer for their alleged coming to the lands of Baidmure, belonging to the said town, and "yokking of plewis thairupoun, and with braid axes cutting of fyve plewis pertineing to thame, and with convocatioun comeing to the port of Peblis, and with bendit pistolettis invaiding and persewing thame of thair lyveis." The suspension is claimed on the plea that they were never lawfully charged to the said compearance.—Indorsed "*Fiat summonitio ut petitur* to the xvii day of May nixt, and to suspend, discharge, and relax *ut infra*, quhill the last day of the same monethe, becaus the lordis hes sene whar the complineris escheitis ar giftit: viz. the said Robert his escheit is disponit to Sir Gedeoun Murray, and Symon Scottis escheit is giftit to James Kynneir, wreatter; as alsua the complineris hes fund cautioun to the effect within writtin ather of thame under the pane of v^{c} lib.—"R. Cokburne." Edinburgh, 7th March 1610.

John Williamson for suspension of horning at the instance of Thomas Moffat.

174. Petition of John Williamsone, son to James Williamsone in the town of Crawfurd, for suspension of horning raised against him, at the instance of Thomas Moffett in the said town, and of Sir Thomas Hammyltoun of Bynnie, King's advocate, for not entering himself "in waird" within the tolbooth of Edinburgh, to abide trial for his alleged "invading and persewing of the said Thomas Moffett of his lyff, schooting and dischargeing a pistolet at him, and thairwithall schooting frome him his richt arme." He pleads that he was not lawfully charged, and besides that he was "most innocent, it being of veritie that, yf ony way the said Thomas wes hurt with a schot of a pistolett, the same wes done be Johnne Williamsone, sone to umquhill Robert Williamsone in Glengoner, fra Edinburgh, 8th March 1610.

quhom the said Thomas hes ressavit the soume of as a dew satisfactioun thairfoir, besyd his abyding and remaining in waird within the tolbuith of Edinburgh attour the space of half a yeir for the same."—Indorsed "*Fiat summonitio ut petitur* to the xvii day of May nixtocum, and to suspend, discharge, and relax *ut infra* quhill the last day of the same monethe, because James Williamsone in the town of Crawfurd is become cautioner for the compliner in j^{c} lib. &c., Al. Cancell." Miscellaneous Papers.

Edinburgh, 8th March 1610.

175. Petition of Arthour Blak, messenger, for letters of lawburrows against Sir Robert Douglas of Cashogill, William Douglas, fiar thereof, Robert Douglas, son of the said Sir Robert, Archibald Douglas of Carronhill, William Douglas, his brother, Hew Douglas of Dalweine, Thomas Dowglas there, and Archibald Douglas at Enterkynefute, who daily threaten to take petitioner's life, and have "divers tymes" lain in wait for him for that purpose.—Indorsed "*Fiat ut petitur:* the lairdis of Caschogill, elder and younger, ather of thame under the pane of j^{m} l̄i; Archibald Douglas of Carronhill, Hew Douglas of Dalwene, ather of them j^{m} merkis; and ilk ane of the remanent personis under the pane of v^{c} lib.—R. Cokburne." Arthur Black for lawburrows against Sir Robert Douglas of Cashogle and others.

Edinburgh, 8th March 1610.

176. Petition of Robert Stewart, indweller in Edinburgh, son of the deceased John Stewart of Neestounsyde, for summons against Sir James Kincaid of that ilk, and Sir David Hering of Lethintie, who were put to the horn at complainer's instance upon the 19th and 29th of January last for not paying him 875 merks of principal, and 200 merks of expenses.—Indorsed "*Fiat ut petitur*, R. Cokburne." Robert Stewart against Sir James Kincaid and Sir David Hering.

Edinburgh, 8th March 1610.

177. Petition of William M^{c}Conquhy in Schalloche, in these terms:—"Upon the day of October last, I being comeing furth of the dwelling house of Thomas Toddie in Blaquhan, quhair I had bene doing my lesum effairis in sober maner, lippyning for na harme, trouble, nor injurie of ony personis, it is of treuth that Johne Kennedy of Blaquhan, Gilbert Kennedy in Balgregane, Johne M^{c}Lingzeane, William Cubesoun, Alexander M^{c}Loig, Allaster Boy, and Andro Sincler, all servitoris to the said laird of Blaquhan, pat violent handis in me, caryit me as presonir to the place of Blaquhane, pat me in the pit of the said place, and maist miserablie held and detentit me thairin the space of aucht dayis and aucht nycht: and, upoun the nynt nycht, about twelf houris at evin, the saidis personis, all disagysit, come to the said pit, tuke me furth thairof, and brocht me to the laicht hall of the place of Blaquhan, quhair thay tirvit me of my haill clothing, and, being naikit, the saidis personis schamefullie and unhonnestlie strak and dang me with thornes and grite birk treis up and doun the said hall the space of ane hour and ane half, quhill I wes almaist deid, and thaireftir tuke salt and salt bryne maid for the purpois, and thairwith rubbit over my haill body, and then harlit me to the pit and held me thairin the space of xlviii houris; by the quhilk extraordinar proceiding usit aganis me I lay bedfast the space of ane moneth thaireftir in grite hasard and perrell of my lyff, and as yit am not able to wirk nor wyn my leving." Wherefore summons is craved against the said persons.—Indorsed "*Fiat ut petitur*, R. Cokburne." William M^{c}Conquhy against Kennedy of Blaquhan and his servitors for illegal imprisonment and cruel assault.

Miscellaneous Papers.

Mr Patrick Orme, economus of the New College of St Andrews, against certain defaulting debtors.

178. Petition of Mr Patrick Orme, "now economus of the New College of Sanct Androis," for summons against Robert Fullertoun in Little Perth, Charles Murray there, George Thomson in Nather Conan, James Strauchin there, John Smyth in the Hill of Conan, Walter Jamesoun in Ballathie Mure, William Myll there, John Hepburne in the Muretoun, Thomas and John Fettouss there, James Thomsone in Wester Perth, John Gorhame in Mekle Perth, John Robert there, James and Thomas Lowis there, William Lyoun in Nather Balgillo, and Alexander Cockburne in Mekle Bagillo, all at the horn since 22nd December last for non-payment to petitioner "of the particular prices of every boll of victuall wrangoislie spulzeit be thame af the landis occupyed be thame," in terms of decreet obtained by the complainer before the Commissary of St Andrews on 26th November 1607.—Indorsed "*Fiat ut petitur*, R. Cokburne." Edinburgh, 9th March 1610.

James Fogo and Mr John Campbell against John Colquhoun, younger, of Luss, for suspension of horning.

179. Petition of James Fogo of , and Mr Johnne Campbell, minister of Lus, for suspension of letters raised by John Colquhoun, eldest lawful son to Alexander Colquhoun of Lus, tacksman of the teinds of the parish, and his said father as administrator to him, charging petitioners to find caution in 200 merks each that they shall not "ressett, supplie, nor intercommoun with Dame Marie Grahame, lady Buchannan, elder, John Logan and Donald M^cKynnoir, occupyaris of the Eister Maynis of Buchannane, Walter Logan in , Donald M^cIlcheir in Gartinasche, John Buchannan *alias* Watersone in Bellindoir, Donald Buchannan in Ardoyle, Thomas Buchannan at the Kirk of Buchannan, James Govane, smyth thair, George Buchannan in Ladrische, George Buchannan in Bordland, Patrik Buchannan, Gillespekis sone in Trimanocht, and Patrik M^cAndro Buchannan in Craithall," while said persons are at the horn for non-payment of certain teind duties. For the suspension Mr John Campbell pleads that, being "ordiner minister and pastour of the saidis personis," who are his parishioners, and some of them elders and deacons, with whom it is necessary that he should "intercommoun at all tymes, speciallie at the tyme of the meeting of the sessioun of the said kirk, at the triall, examinatioun, and preparatioun of thame to ressave the halie sacrament of the Lordis supper, at the catthecheing and instructioun of thame in the principall groundis and articles of the faith, at the useing of the discipline of the Kirk aganis sic of thame as give occasioun of offens, and vtherwise at all occasiouns quhensoever it sal happin thame or ony of thame to be visite with ony sort of deadlie disease in body or trouble in spirite"; while the said James Fogo alleges that the said persons at the horn had "procurit richt of their saidis teindis from the said persone, and thairupoun he with thame and thay with him hes intendit actioun of reductioun of the tak, ground, and richt quhairupoun the decreet with the saidis lettres of horneing following thairon hes proceidit,"—which action is now depending before the Lords of Council and Session.—Indorsed "*Fiat summonitio ut petitur* to the xij day of Aprile next, and to suspend and discharge *ut infra* quhill the last day of the same monethe, becaus the complineris hes fund cautioun etc.: R. Cokburne." Edinburgh, 10th March 1610.

Miscellaneous Papers.

Edinburgh, 10th March 1610.

180. Petition of Andro Murray in Auchnabo, Johne and James Murrayis, his brothers, as sons, "with the remanent kyn and freindis, of umquhile John Murray in Auchnabo," for letters of charge against John Gordon, elder, of Avachie, and John Gordon, younger, of Avachie, as masters to and answerable for Johne Mitchell in Cowiemure, W^m^ Thomsone thair, James Thomsone in Burnfid[dell], William Gall at the mill of Avachie, John Gall, waulker there, Jonat Thomsone, spouse to Alex^r^ Cattachie at the mill of Avachie, W^m^ and Andro Cattacheis, sons of the said Alexander, James Harper in the Auldtoun of Avachie, Johne Cattachie at the Kirk of Kinmoir, William Wilson in Cowiemure, James Wat there, David Wilsoun there, George Wat in Burnfiddill, William Scherar in the Auldtoun of Avachie, and George Harper in Dykheid of Avachie, all at the horn since 23rd December last for not finding caution acted in the books of adjournal for their personal compearance before the Justice and his deputes, to answer for the slaughter of the said John Murray, but all going about freely without regard to the said horning.—Indorsed "*Fiat ut petitur*, R. Cokburne."

Andrew Murray and his kin against certain persons at the horn for the slaughter of the late John Murray.

Edinburgh, 10th March 1610.

181. Petition of Andro Small of the Kirkland of Ketynis for suspension of letters of their lordships charging him to find caution for himself and his sons, William, George, and Andrew Smalls, not to invade or molest Robert Pitillo at the mill of Kinnochrie, William Pittillo, his brother, James Pittillo in Coupar, James Haliburtoun in Buttergask, and George Haliburtoun of Buttergask, their men, tenants, etc., under pain of 3000 merks, and, failing thereof, to be put to the horn. He pleads:—"I am ane auld seiklie man, verye oft tyed to my bed with infirmitie and seiknes, and unable in my awne persone to harme, trouble, or annoy the saidis personis; nather yitt haif I ony pouer, auctoritie, or commandiment over my saidis sones, thay being forisfamiliat and oute of my company yeris syne or thairby, and ar presentlie in service with gentlemen in the countrey, under whose charge and commandiment thay presentlie remane, having no suplee, consorte, nor mantenance of me; and thay ar noway under my obedyence nor subject to my commandiment. . . . . If it will pleis your lordshippis to caus charge thameselffis, I hoip thay will gif unto your lordshippis satisfactioun in everything salbe layed to thair charge, thay being young men who ever hes bene and wilbe ansuerable, and hes never as yitt bene dissobedyent." He complains also that 3000 merks of caution is exorbitant in point of law, and for his rank, he "being bot ane meane man and fewair of ane litle rowme, not worthe the tent pairt of the said soume in yeirlie rent."—Indorsed "*Fiat summonitio ut petitur*" to the 17th May next, with suspension to the 20th of said month, Thomas Small in Ardlair being cautioner.—Subscribed "R. Cokburne, Jo. Prestoun."

Andrew Small for suspension of letters of lawburrows.

Edinburgh, 10th March 1610.

182. Petition of Patrik Urie in Cathcart for summons against John Alexander in Gorballs, and Lindesay, his servant, for having come, 26th of February last, "both bodin in feir of weir," attacked petitioner with drawn swords, and wounded him in the

Patrick Urie against John Alexander and another for assault.

Miscellaneous Papers.

right hand, and other parts of the body.—Indorsed "*Fiat ut petitur*, R. Cokburne."

John and William Russell against John and Adam Tweedie for assault.

183. Petition of John Russell, son of John Russell in Stobo, and William Russell, his brother, for summons against John Twedy in the Hoilhous of Stobo, and Adam Twedy, his son, for having, on the 5th of March inst., "bodin in feir of weir," come "under silence of nicht" and waylaid John Russell "betwix Harraw and the Kirk of Stobo," attacked him with drawn swords, struck off "the tua former fingeris" of his right hand, left him for dead, and also because on the 7th of March Adam Tuedy came to William Russell, "ganging" at his father's plough, gave him "a straik upoun the richt shoulder" with drawn sword, and "chassit the pleugh af the ground."—Indorsed "*Fiat ut petitur*, R. Cokburne." Edinburgh, 10th March 1610.

John Haliday against James Irving for assault.

184. Petition of John Haliday, son to Adam Haliday in Luce, for summons against James Irving of Cleuchheidis, who, "upoun a deidlie haitrent and malice" conceived against petitioner, had come on the of September 1609, "airlie in the moirning before brak of day," to the dwelling of the said Adam Haliday in Luce, and there attacked petitioner lying in his "naked bed," striking him with hands and feet upon his back, belly, and other parts, so that he had lain "bedfast the space of fourtene oulkis thairefter."—Indorsed "*Fiat ut petitur*, R. Cokburne." Edinburgh, 12th March 1610.

Joseph Douglas of Pumpherston against James Douglas, younger, of Clapperton.

185. Petition of Joseph Dowglas of Pumpherstoun for summons against James Douglas, younger, of Clappertoun, who was put to the horn the 7th of March instant for not fulfilling the contract between petitioner, on one part, and the said James and James Douglas elder of Clapperton, his father, on the other, of date the 2d of May 1606,—*i.e.*, for not infefting petitioner in the lands, principal, and warrandice mentioned in said contract, and not paying him the yearly silver duty of the back tack thereof, with £100 for damage and expenses.—Indorsed "*Fiat ut petitur*, R. Cokburne." Edinburgh, 12th March 1610.

Gilbert Robertson against Alexander Blair.

186. Petition of Gilbert Robertson of Newbigging for letters of charge against Alexander Blair of Balgiry, at the horn since 18th January last for non-payment to petitioner of £160 principal and £50 of expenses.—Indorsed "*Fiat ut petitur*, R. Cokburne." Edinburgh, 12th March 1610.

Mr James Strachan against William and John Rhind.

187. Petition of Mr James Strathauchin, writer, as assignee, for letters of charge against William Rynd of Cars, and John Rynd, fiar thereof, at the horn since 13th February last for non-payment to him of (1) 200 merks of principal and £30 of expenses, with £10 for each charge, (2) 1050 merks principal, 200 merks of expenses, and £40 for each charge, (3) £1000 specified in a special declarator recovered at the instance of James Ogilbie of Balfour against them, dated the 10th of June last.—Indorsed, "*Fiat ut petitur*, R. Cokburne." Edinburgh, 12th March 1610.

William Ross against John Houston.

188. Petition of William Ros, brother to umquhile Robert, Lord Ros, for letters of charge against John Houstoun of Leny, put to the horn on 10th March instant for non-payment to petitioner of 700 merks of principal and £100 expenses.—Indorsed "*Fiat ut petitur*, R. Cokburne." Edinburgh, 12th March 1610.

Edinburgh, 12th March 1610.

189. Petition of Thomas Padzean, son lawful to Roger Padzean of Newtoun, for summons against Archibald Dowglas of Carronehill, and James Dowglas, his brother, for having, on the 9th of March instant, while complainer was "repairing from Dobtoun toward the place of Newtoun in sober and quiet maner," come "bodin in feir of weir," attacked complainer, and given him "thrie deidlie woundis," and struck off his "richt lug."—Indorsed "*Fiat ut petitur*, R. Cokburne."

Miscellaneous Papers. Thomas Padyan against Archibald and James Douglas for assault.

Edinburgh, 13th March 1610.

190. Petition of Hercules Crawmond, merchant burgess of Edinburgh, for letters of charge against David Lindesay, fiar of Vane, and George Symmer, elder, of Balyordie, at the born since 24th February last for non-payment to petitioner of 400 merks of principal and 100 merks of expenses. —Indorsed "*Fiat ut petitur*, R. Cokburne."

Hercules Cramond against David Lindsay and George Symmer.

Edinburgh, 13th March 1610.

191. Petition of Captain Patrik Hering, as follows:—"Quhair upoun the xvi day of May last I wes committit to warde within the tolbuith of Edinburgh be your lordshippis directioun, at the instance of Mr Robert Oliphant, bruther to George Oliphant of Bachiltoun, and I wes ordanit to be detenit and keept in the said warde ay and whill redres and restitutioun be maid be me to the said Mr Robert of the goodis and geir underwrittin, allegit tane be me fra him, and contenit in ane note and inventorie of the maior of Canterburey,—that is to say aucht Inglishe angellis, tua halff rois noblis, ane double pistollett, tua Franshe crownis and ane halff, ane Albertus angell, tua Inglishe crownis, ane Turkishe peece of gold, tua gold ringis and ane stane loose belonging to one of thame, sevin pundis j^{s} vj^{d} in Englishe money, three Nethirland dollouris, one peece of foure ryallis, tuo quart decures, sevin peece of severall coynis of silver, tua pursis, ane swerd, one maill and tua budgettis,—and althoght I haif bene willing and reddy to haif gevin unto the said Mr Robert satisfactioun in this mater, yitt I can noway haif him, he being oute of the cuntrey, as I am surelie informit: alwayes, for obedyence and satisfactioun of your lorshippis decrete and sentence foirsaid, I am content to consigne in the handis of your lordshippis clerk the particular spaceis of money abone nameit, or ellis the availl and pryceis of the same. And, as for the sevin peeceis of severall coynis of silver, the tuo gold ringis and louse stane, tua pursis, and ane swerd, becaus thair is no estimatioun and valuatioun maid of the same, I am content to find cautioun for delyverie thairof or payment of the pryceis of the same after a true estimatioun and valuatioun thairof maid in your lordshippis presence. And, as for the maill truncke and tua budgettis, I presentit thaim, cloisit and loikit as I ressavit thame, befoir his Majesteis counsaill in England; quho causit delyver thame to the said Mr Robert, as wes testifeit in your lordshippis presence be the erllis of Dunbar and Mar. Heirfoir I beseeke your lordshippis to gif command to your lordshippis clerk to ressave this consignatioun and cautioun, and, the same being ressavit, that your lordshippis will gif command to the provest and baillies of Edinburgh to putt me to libertie and fredome and suffer me pas quhair I pleis," &c.—Indorsed "The Lordis of Secreit Counsall ordanis lettres to be direct chargeing Mr Robert Oliphant, and in cais

Offer of Captain Patrick Hering in the matter of certain coins, rings, &c., taken by him from Mr Robert Oliphant.

Miscellaneous Papers.

of his absence furth of this kingdome George Oliphant of Bachiltoun, his bruther, to compeir befoir the saidis lordis upoun the day of , to heir and see the desire of this supplicatioun grantit, or ellis to shaw ane reasounable caus quhy the samin sould not be done, with certificatioun to thame and thay failzie that the desire of the samin salbe grantit.—R. Cokburne."

Thomas Hunter against John Gordon, younger, of Auchanachie.

192. Petition of Thomas Hunter, merchant burgess of Edinburgh, for letters of charge against John Gordoun, younger, of Auchannachie, who on 24th of February last was put to the horn for not paying petitioner 400 merks of principal and £40 of expenses.—Indorsed "*Fiat ut petitur*, R. Cokburne." Edinburgh, 13th March 1610.

Marion Forrester against Adam Bell and Thomas Weir.

193. Petition of Marion Forrester, relict of Mr Richard Spens, advocate, for letters of charge against Adam Bell in Archeheid, at the horn since 21st July last for not making furthcuming "iii^{xx}xii scheip, xx lambis, with ten pundis money and sex firlottis meill," to be pointed and apprised at her instance for payment of the sums specified in the contract of marriage between her and her said umquhile spouse, and Elizabeth Spens, their daughter, on one part, and the deceased James Stewart of Allantoun on the other part, conform to a decreet obtained by her against the said Adam of date the last day of February 1609: and also against Thomas Weir of Kirktoun, at the horn since 27th January last for not paying her "fyiftie schillingis money for ilk ane of iii^{xx}xii scheip and xx^{s} for ilk lamb of xx lambis, and ten lib, with the sowme of sevin merk for ilk boll of the meill," as specified in the letters of horning.—Indorsed "*Fiat ut petitur*, R. Cokburne." Edinburgh, 13th March 1610.

Alexander Hog against David Mauld.

194. Petition of Alexander Hog, mariner, burgess of Dundee, for letters of charge against David Mauld of Both, at the horn since 16th February last for not paying petitioner 300 merks principal and 30 of expenses.—Indorsed "*Fiat ut petitur*, R. Cokburne." Edinburgh, 13th March 1610.

George Smyth against John Dunbar of Moynes.

195. Petition of George Smyth, merchant burgess of Edinburgh, for letters of charge against John Dunbar of Moynes, at the horn since 20th February last for not paying petitioner £8 for each boll of threescore bolls of "cheritit beir," as principal, with £100 of expenses.—Indorsed "*Fiat ut petitur*, R. Cokburne." Edinburgh, 13th March 1610.

Thomas Nairne against David Lindsay.

196. Petition of Thomas Narne of Muckarsie for letters of charge against David Lindesay, younger, of Wane, at the horn since 21st February last for a debt of 2000 merks of "liquidat expenssis incurrit be him as failzee in maner specifeit."—Indorsed "*Fiat ut petitur*, R. Cokburne." Edinburgh, 14th March 1610.

James Speir against William Carmichael.

197. Petition of James Speir, "sklaitter" in Leith, for letters of charge against William Carmichaell, burgess of Dysart, at the horn since 24th March 1609 for a debt to petitioner of £148 of principal and £30 of expenses.—Indorsed "*Fiat ut petitur*, R. Cokburne." Edinburgh, 14th March 1610.

William Blair against William Gray.

198. Petition of William Blair, merchant burgess of Perth, for letters of charge against William Gray of Bandirrane, at the horn since 30th of December for not infefting petitioner in the lands of North Bandirrane, and not observing certain other articles of the contract between George Edinburgh, 14th March 1610.

Seton of Parbroth and the said William, on the one part, and Alexander Blair of Balgray, brother of the petitioner, on the other part, of date 13th October 1606, which contract was assigned by the said Alexander to the said William, his brother.—Indorsed "*Fiat ut petitur*, R. Cokburne." Miscellaneous Papers.

Edinburgh, 14th March 1610.

199. Petition of the tacksmen and "fermoraris" of his Majesty's customs for summons against the master, owner, skipper, and clerk of "ane schip of Monrois callit ," in these circumstances:—Said ship having been "laitlie laidnit in the kingdome of France with certane merchandice and goodis pertening to sindrie merchantis of this kingdome," and having been "frauchted fra the poirt of Deip in France to the poirt of in this kingdome," at which port the said persons should have given up "ane trew, just, and perfyte entree" of the said goods to petitioners or their deputes, the said persons, "preferring thair filthie lucre and gayne to the obedyence of the law," brought the ship within the Firth, "upoun pactioun and conditioun betuix thame and some of thair marchantis," and there craftily "putt oute of thair schip certane cofferis, trunkis and packis full of merchandice and coiftere (?) wairis," thus defrauding his Majesty and petitioners of the due custom.—Indorsed "*Fiat ut petitur*, R. Cokburne."—For result and further particulars, see *ante* pp. 449–450. The Tacksmen of the Customs against the master, owner, skipper, and clerk of a certain ship for fraudulent evasion of customs.

Edinburgh, 14th March 1610.

200. Petition of Sir Thomas Hamiltoun of Bynnie, as King's Advocate, and Archibald Douglas of Carranhill, for summons against Thomas Padzeane, son to Roger Padzeane of Newtoun, John Douglas, brother to Hew Douglas in Mortoun, and Peter Douglas in Drumcork, for having come on 9th March instant, armed with swords, lances, daggers, &c., and also with hagbuts and pistolets, to "the toun of Dobtoun" pertaining to the said Archibald Douglas, and there attacked him, wounded him in divers parts, and left him "lyand upoun the ground for deid," and also for having, on the 10th of March instant, along with John Padzeane, eldest son to the said Roger, and others, come to the lands of Carranhill and Dobtoun, and "searchit and socht" for the said Archibald, with the design of slaying him,—when, not finding him, they set upon his "plewmen and servandis" working on the said lands, and "invaidit and persewit thame of thair lyvis," so that they had to flee to their houses for refuge, followed by threats, with "mony horrible and blasphemous aithis," if ever again they "manurit the saidis landis."—Subscribed "S. T. Hamilton."—Indorsed "*Fiat ut petitur*, R. Cokburne." King's Advocate and Archibald Douglas against Thomas Padyan and others for armed convocation, assault, &c.

Edinburgh, 15th March 1610.

201. Petition by Sir Thomas Hamilton of Bynnie, Kt., the King's Advocate, and Alexander Gordon, brother to John, Earl of Sutherland, for letters against George Murray of Spanyedell and William Suderland in Caine, for having during the years 1607 and 1608 and subsequently habitually carried hagbuts and pistolets, slaying therewith "gryt numbers of all sort of deir within the boundis of Dirimoir in Suderland and brayes baith of Suderland and Stranavar," and making "grytt spoile of the same within the saidis boundis, quhilk, formerlie wes replenissit with grytt store thairoff."—Subscribed "S. Tho. Hamilton."—Indorsed "*Fiat ut petitur*, R. Cokburne." The King's Advocate and Alex. Gordon against George Murray and William Sutherland.

Miscellaneous Papers.

William Dunbar against Alexander Dunbar.

202. Petition by William Dunbar, son lawful to umquhile James Dunbar of Tarbett and Jonet Dunbar, for letters of charge against Alexander Dunbar, son to Patrik Dunbar of Boighoill, now sheriff of Murray, who on 23rd September last was put to the horn for not fulfilling a decreet arbitral between them of date 30th October 1603.—Indorsed "*Fiat ut petitur*, R. Cokburne." Edinburgh, 15th March 1610.

Adam Scot against Mathew Finlasone of Killeith.

203. Petition by Adam Scot, brother-german to Philip Scot of Dryhop, for letters of charge against Mathew Finlasone of Killeith, who on the 28th day of February last was put to the horn at the complainer's instance for non-payment of 300 merks of principal and £40 of expenses.—Indorsed "*Fiat ut petitur*, R. Cokburne." Edinburgh, 15th March 1610.

John Skrymgeour against Sir John Boswell.

204. Petition by Johne Skrymgeour, apparent of Dudhoip, for letters of charge against Sir Johne Boswall, as cautioner for George Seytoun of Parbroith, who on 17th February last was put to the horn for non-payment to the complainer of 1000 merks for non-observance of contract between them and George Seytoun's cautioners on the one part and John Seytoun, brother of said George, on the other, of date 26th, 27th, and 29th of July 1606.—Indorsed "*Fiat ut petitur*, R. Cokburne." Edinburgh, 16th March 1610.

George Sinclair of Dunbeath against Henry Sinclair for assault and wrongous imprisonment.

205. Petition by Sir Thomas Hammyltoun of Bynnie, as King's advocate, and George Sincler of Dunbaith, as follows:—On the 23rd of April last, Henry Sincler in Burrostoun, brother to George, Earl of Caithnes, George Innes in Skaill, Andro Moir in Holme, Rorie M^{c}Hucheoun there, Hucheoun Beg, servitor to the said Henry, with a number of others, "all bodin in feir of weir, with bowis, dorlochis, tua-handit swordis, targes, durkis, and utheris wapponis invasive," came to the said George Sincler of Dunbaith's lands of Soundsyd, where Alexander M^{c}Ky, his servitor, "wes ganging at his plewch in peaceable and quiet maner," violently seized him, carried him to Castle Sincler, and there "committit him to prisone in the pitt of the said castle appointit for thevis, murderaris and malefactouris, and held and detenit him in that miserable hoill the space of sevin weikis, refuseing all men to haif acces unto him or to minister unto him ony necessaris except so muche bread and water as micht preserve his lyff, and keepit him in this miserable conditioun the space foirsaid," consulting meanwhile "by quhat meanis, under the pretext and cullour of law and justice, they micht tak his lyff." Failing to find such, they had at last let him go free.—Indorsed "*Fiat ut petitur*, R. Cokburne."—For result see *ante*, p 461. Edinburgh, 16th March 1610.

Feud between the Trotters and the Bruntfields.

206. Sir Thomas Hamilton of Bynnie, his Majesty's advocate, intimating to the Lords of Council that he is credibly informed of a "grite variance and contraversie, deidlie feid and inimitie, standing betuix Robert Trotter of Rowchester, Thomas Trotter of Catshilraw, George Trotter of Prentownane, Johne Trotter of Nethirhall, Patrick Trotter of Ovirhall, Alexander Trotter in Chesteris, Johnne Trotter in Fogonuke, Eduard Trotter in Todrig, Jerard Trotter in Home, Thomas Trotter in Upsatlingtone, thair kin and freindis, on the ane pairt, and Johne Brountfeild in Gordounmaynes, Robert Brountfeild of Todrig, Robert Brountfeild, appeirand of Todrig, Alexander Brountfeild of Ristfeild, Robert Brountfeild in Greneladene, Adam Brount- Edinburgh, 16th March 1610.

feild in Quhyteside, Robert Brountfeild sometyme of Greneladene, Alexander Brountfeild of Nethir Maynes, Nicol Brountfeild of Whytehouse, Robert and James Brountfeildis, brether to the said Nicol, Alexander Brountfeild of Hardeaikeris, Johne Brountfeild in Hassintoun, Andro Brountfeild in Dodrig, Thomas Brountfeild in Oxmure, James Brountfeild in Fairnyrig, Johne Brountfeild in Grenelaw, William Brountfeild in Haliburtoun, Thomas Brountfeild in Dalkeyth, Brountfeild, sone to umquhile William Brountfeild in Gordounmaynes, thair kin and freindis, on the other parte," craves letters of charge to the said parties to compear before their lordships to answer to the premises.—Subscribed "S. Tho. Hamilton."—Indorsed "*Fiat ut petitur*, R. Cokburne." Miscellaneous Papers.

Edinburgh, 16th March 1610. 207. Petition by Thomas Home in the Nuk, servitour and tenant to George, Earl of Dunbar, for letters against George Home, bailie of Duns, requiring him to answer to the charge of having, on the 7th March instant, with certain other persons "bodin in feir of weir," attacked two of the complainer's servants at the plough to the peril of their lives, giving the cattle of the plough "many bauch straikis," and driving the plough off the ground.—Indorsed "*Fiat ut petitur*, R. Cokburne." Thomas Home against George Home, bailie of Duns.

Edinburgh, 16th March 1610. 208. Complaint, as follows, by Sir Thomas Hamiltoun, knight, King's advocate for his Majesty's interest, and the following persons for their own,—George Sincler of Dunbaith, William Harret, his gardener, Henry Tormetsone in Achamerland, Henry Thomasone in Sandsyd, M°Nemichall in Dischald, William Bankis in Sandsyd, M°Allester Clarin in Sandsyd, Donald M°Kinlay Curchter there, Hucheoun Dowsone there, Paull Dowsone there, Magnus M°Hucheon there, Angus Reidsone in Daothow, William M°Hutcheoun there, Angus Couper there, Henry Thomasone and Thomasone his dochter in Boirlum, Malcolme Findlasoun there, , relict of umquhile Johnn Findlabegsone, William M°Innes in Mylnetoun, Donald M°Innes there, Allester M°Curchter, officer there, , miller at the mylne of Rea, Donald Reid there, , dochter to Katherine Roreis there, Rorie Makcurchter there, Johne Moir there, Murtho Tormetsone there, Walter Symmer in Dischald, Morginn Johnne Begsone there, M°Gilliemichall, David Donaldsone there, Johne Pyper there, Johnne M°rorie, Gilbert Sudderland, George Sincler in Downray, Allester M°indowir there, Allester M°Carcher there, Augus M°Carcher there, , dochter to Angus Findlay there, Johnne Findlasone there, Thomas Elder there, John Brymmes elder in Brymmes, Brymmes, his son, there, Johnne Beg there, William Moir there, Adame Ferquhartsone there, Skynner there, Angus Breather there, Donald Moirsoun in Leyth, Davidsoune there, Harper there, Johnne Moir there, William Stewart in Steimster, Robert Reis there, Murtho Roriesoun there, Donald Barbour there, Thomas Brabner there, Hutcheoun Rannald in Spittell, Magnus Donaldsone there, M°Gilliemartene there, and M°intosche there, "with the haill remanent poore people and inhabitantis upoun the landis of Dunbaith, Rae, Sandsyd, Boirlum, Daothow, Dischald, Mylnetoun, Dounray, Petition for charge to the Earl of Caithness to produce a number of criminals at the horn who are going about in Caithness under his shelter and protection.

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Schirrarie, Broubster, Steimster, and Spittell, and remanent tounes and landis thairabout, to the nomber of fyve hundreth personis, all poore herreit and opprest people." They complain against George, Earl of Caithness, "as judge, magistrat and commander of the countray of Caithnes," on these grounds:—(1) William Bayne, son to Alexander Bayne of Bilboster, William Kennoth Bowisoun in Cader, Kenneth and William Robsonis, sons to Alexander Robsoun in Achnaver, Henry Sincler in Carmeybie, George Hectorsone *alias* Sutherland in Lurarie, Alexander Makhutcheoun in Colmichie, Neill Sutherland in Berrigill, Alexander Rob Wattersone in Spettell, Kenneth Bowie in Cadell, Andro Moir in Holme, and Rorie M°Hucheon there, were, on 15th November last, put to the horn at the instance of the said George Sincler of Dunbaith "in thair default of finding of cautioun actit in the bookis of adjornal for thair comperance befoir the Justice and his deputis at ane certane day bigane, to haif underlyine the law for the thefteous steiling" from the said George Sincler "of certane horsis and meiris." (2) On the 23rd of February last Johnn M°Innes M°eane in Onst, William M°Innes, his brother, Kennothe Bowy in Caddell, John Kennoch Bowy there, William Alexander Rob in Achnavar, Kennothe Alexander Rob there, Malcolme Alexander Hendersone in Skaill, Donald and Rorie Hendersons, his sons, Magnus M°Hutcheoun there, Andro Moir in Holme, Rorie M°Hucheoun there, William Johne Gaanesone, his son, Neill Findlay Begsone in Bythe, William Manroun in Burrowstoun, Robert Beg in Caldell, Johne Murchie Moir there, Tormot Reoche there, Thormot M°inteir in Herspdaill, George William Hectorsone in Lurarie, Neill William Hectorsone in Burrigill, Gilliepadrik M°Conchy in Holme, William Finlay Begsoun in Bythe, Thomas Beg in Lurarie, Angus Thomasone in Forciemuir, Hucheoun Beg in Burroustoun, William Miller in Gairstoun, Baird M°Allester Round in Achalon, and Alexander Mansoun in Geis, were put to the horn at the same instance in default of finding cautioun for their compearance before the Justice to underlie the law for coming "in oppin, hoistile and wearrelyk maner" to the said George Sincler's lands of Dunbaith, Sansyde, Rae, Steimster, and others, and there reiving and stealing from him 60 kye and oxen, with 140 sheep, besides 180 kye and oxen, 80 horsis and mares, 380 sheep, 100 swine, 300 geese, and 300 bolls of beir and oats, "with the haill insicht and plenishing of their housis and biggingis, estimat and comptit worthe twenty thousand merkis." The said persons, though unrelaxed from the horn, are still "hanting and frequenting" all parts of Caithness as if they were free and law-abiding subjects, "and ar incouraged to continew in thair rebellioun by the oversicht, connivance and covert mantenance whiche thay haif of George, erll of Caithnes," to whom they are tenants, servants, and dependants. "They ar altogidder under his obedience and commandiment, accompanyis him to all his oistis, roadis, assemblis and hunting, assistis and takis pairt with him in his querrellis, actionis and interpryses, standing under his protectioun, saulffguard and mantennance."—Petitioners, therefore, crave letters of charge against the

Earl, requiring him to enter the said persons to abide justice.—Subscribed "S. Th. Hamilton."—Indorsed "*Fiat ut petitur*, R. Cokburne." Miscellaneous Papers.

16th March 1610. 209. Original of band by Mr Robert Gardyne of Blairtone for Mr William Ord, given *ante*, p. 723. William Ord.

Edinburgh, 17th March 1610. 210. Petition by the Provost and Bailies of Aberdeen for letters of charge against Joseph Keith in , Mr Samuel Keith, his brother, and Robert Keith, their brother's son. They complain that, the said Joseph having been on the 9th inst. charged by Mr David Rutherfurd, one of the bailies of Aberdeen, to find caution to William Fiddes, stabler there, to answer according to law for some debt, and the charge having been disobeyed, and the said Mr David having taken the said Joseph and carried him to the tolbooth, the said persons set upon the said Mr David at the door of the same with swords, daggers, etc., and raised "ane grite trouble and commotioun in the said burgh be the space of tua houris."—Indorsed "*Fiat ut petitur*, R. Cokburne." Provost and bailies of Aberdeen against Joseph Keith and others.

Edinburgh, 17th March 1610. 211. Richard Carnecors, merchant burgess of Edinburgh, craves letters of charge against Bartilmo Home, portioner of Symprene, put to the horn 7th March inst. for non-payment to him, as assignee of James Hoppringle of Wodhous, of an annual-rent of 25 marks of all years and terms resting owing since 2nd January 1593, the date of the obligation granted by the debtor to the said James Hoppringle, with £10 of expenses, and 40s. paid to the Collector, as set forth in the letters of horning.—Indorsed "*Fiat ut petitur*, R. Cokburne." Richard Cairncross against Bartilmo Home.

Edinburgh, 17th March 1610. 212. Petition by Walter, lord of Blantyre, donator to the gift of escheat of Harie Stewart of Cragyhall, and assignee constituted by him to his right of the teinds of the lands of Cragyhall, Upcragie, Dolphingstoun, Pilrig, Luchauld, Standandstone, and Coatmure, for letters of charge against Sir James Sandilandis of Slamannane, James Sandilandis, his son, and William Sandilandis of St Monance; who, from malicious intention, "be way of deid, bangstarie, and oppressioun," to "debar and seclud" petitioner from said teinds, came in March instant, with other persons, "all bodin in feir of weir," to the barneyard of Cragyhall, where the said teinds were "gadderit, placit, and stakkit," and there violently "hes cassin the saidis stakis, hes puttin taskeris thereto, and hes threschene out a grite pairt thairof and disponit upon thame."—Indorsed "*Fiat ut petitur*, R. Cokburne." Lord Blantyre against Sir James Sandilands and others.

Edinburgh, 17th March 1610. 213. Petition of John Lokhart of Boghall, provost, George Maissoun and Hew Kenndy, bailies, of Ayr, and Adam Richie, late treasurer and one of the council of the said burgh, for letters against George Angus, sometime burgess of Ayr. They plead as follows:—It is not unknown to their lordships of what "ryottis, injuries, and oppressiounis" for divers years past the said Angus has been guilty in connexion with the burgh affairs of Ayr, or how, having at length been warded in the tolbooth of Ayr for "ane oppin and notorious injurie" to Adame Stewart, lately provost there, he had subscribed a band, and submitted himself to the will of the provost, bailies, and council of the burgh, the result of which The Magistrates of Ayr against George Angus for insubordination and tumult.

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had been that they, on 27th September 1608, decerned that he should thenceforth "behave himself reverentlie and obedientlie," under the pain of 500 merks *toties quoties* (see *ante*, pp. 222–224). Yet, the said Adam Richie, late treasurer, and George Tennant, one of the town's officers, having been commanded by the provost and council to inbring the customs and duties of the last year of his treasurership, 1607, still unpaid, and having on the 20th day of February last passed through the burgh for that purpose, the said George Angus came to them on the high street, and, on being charged by the said George Tennent either to pay the duties owing by him or else to enter in ward, not only contemned the charge, "bragging and uttering many minassing wordis, saying that he wald nethir kend proveist, baillies, thesaurer, nor the toun in that nor na uther mater," but also "boistit and injurit the said Adam Richie, thesaurer, and ane of the counsell of the said burgh, with mony injurious wordis provoking him to the singular combatt ('gif I durst for my hanging') and to meit him upoun the hillis besyd the said burgh." Immediately after which, the said George Angus did pass to the hills, accompanied by about thirty persons, all armed; "quhair he and the saidis persounis walkit and remainit a lang space, awaitting upoun the persute and invasioun of the said Adame Richie, and wes fullie bent, deliberat, and resolvit to bereive him of his lyfe if he had repairit to the hillis, and had certane led horse brocht thair furth of the castell of Newtoun, quhair the said George duellis, for his eschaiping efter the executioun of his intendit purpois. And the said Johne Lokhart, proveist, and George Maissoun, baillie, having past to the hillis to the said George, quhair he was accompaniet with the saidis persounis, braging up and doun in ane maist unsemly maner, and they in his Majesteis name having commandit the said George to ceas from tumult and to find cautioun for trublance of the toun conforme to the ordour, he maist disdanefullie ansuerit that he wald find na cautioun nor yit be ansuerable to thame, and swa committit dissobedience in contemning his Hienes magistratis. For the quhilk ryot and tumult the said George aucht not onlie to be persewit and punished in his persoun and gudis, to the terrour of utheris to commit the lyk, bot siclik aucht to be decernit to incur the said pane of fyve hundreth merkis contenit in the said former decreit for ather of the said contraventiounis."—Indorsed "*Fiat ut petitur*, R. Cokburne."

Leonard Stevenson against Sir Robert Crichton.

214. Petition of Leonard Stevinsone, Inverkething, for letters of summons against Sir Robert Creichtoune of Cluny, knight, Sir David Hering of Lethintie, and James Skrymgeour of Fardell, who had been put to the horn, at his instance, on the 15th March inst., for non-payment to him of £100 principal and £20 expenses, and also 1000 merks principal and £100 liquidate expenses.—Indorsed "*Fiat ut petitur*, R. Cokburne." Edinburgh, 19th March 1610.

Robert Smith and others against Arthur Forbes.

215. Petition of Robert Smith in Kirkhill, William Hall, his servant, and Thomas Andersone in Bogiesyde, for letters against Arthour Forbes in Courtihillokis, requiring him to answer to the charge of having, in the house of the said Thomas Anderson, on the 10th March inst., violently Edinburgh, 19th March 1610.

assailed them, wounding with his sword the two first named.—Indorsed "*Fiat ut petitur*, R. Cokburne." Miscellaneous Papers.

Edinburgh, 19th March 1610. 216. Petition by Andro M^cChrutter in Cossfinik, for letters of charge against Alexander Kennedy of Dalgerak, John and Patrik, his sons, and Bessie Grahame, their mother, upon the complaint that the said Alexander Kennedy, on Sunday the of October preceding, "bodin in feir of weir," had waylaid him on his way to his parish kirk of Camanellis, "onbeset and persewit him of his lyff," and would have slain him had not John Mure of Spensarstoun come to his rescue.—Indorsed "*Fiat ut petitur*, Al: Cancell^s." Andrew M^cChrutter against Alexander Kennedy and others.

Edinburgh, 21st March 1610. 217. Petition by John Lowrie, merchant burgess of Edinburgh, and Andro Moresoun, collector depute, tacksmen of the customs of the water of Spey "and haill boundis benorth the same," by assedation granted to them by Mr Thomas Barclay, James Inglis, Michaell Findlay, William Nicolsoun, James Fleming, John Makiesoun, and Alexander Home, present tacksmen of his Majesty's customs of Scotland, for the space of one year, from first of November 1609 to the first of November 1610, craving that letters be directed against such skippers or owners of ships within the said bounds as transgress the Act of Privy Council of 26th February 1600 forbidding them to ship merchandise for export after they have received their doquet, or to unload any part of their cargo till they have arrived in port.—Indorsed "*Fiat ut petitur*."—Subscribed "R. Cokburne." John Lowrie and Andrew Moresoun.

Edinburgh, 21st March 1610. 218. Petition by Gavin, bishop of Galloway, for letters of charge against the "havearis, keepairis, and detenaris" of the "place, tour, and fortalice of Glenluce," belonging properly to the petitioner in virtue of the gift which his Majesty, with advice and consent of Mr John Preston of Pennycook, collector general and treasurer of the new augmentations, and of Sir Alexander Hay, secretary of Scotland, had granted under the great seal at Whitehall 19th February last, creating petitioner "undoutit commandater and abbot of the abbacie of Glenluce" for his lifetime, as successor to the deceased Laurence, last abbot thereof.—Indorsed "*Fiat ut petitur*, R. Cokburne." The Bishop of Galloway as commendator of Glenluce Abbey.

Edinburgh, 21st March 1610. 219. Petition of Mr George Lindesay, minister at Roisnaith, for summons against Umphra Noble of Ardardane, for having, on a day in January last, come to petitioner's dwelling house with a "drawin quhinzeair," and there attacked him for his life, giving him a "grite stryk" on his head to the effusion of blood.—Indorsed "*Fiat ut petitur*, R. Cokburne." Mr George Lindsay against Umphra Noble for assault.

Edinburgh, 21st March 1610. 220. Petition of Thomas Formocht, and Andro Corstorphin, burgess in Carraill, as follows:—On March, after dispatch of certain affairs in the county of Fyff, they were in the evening repairing home to their own houses in peaceable and quiet manner, when David Sympsone in the Coittis, "bodin in feir of weir," having been informed of their journey, and knowing they had sold some merchandise and had some money upon them, "come rydand upoun horsebak, dernit him selff in the hie way," and, under cloud and silence of night, on perceiving their approach, Thomas Formocht and Andrew Corstorphine against David Sympsone for assault and intended robbery.

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"lap on hors, brak at us, and, haveing his face covert, with a counterfoote speich callit himselff a schipbrokin man, drew his sword, commandit us to rander our purs, with mony horrible aiths avowing to haf our lyves in caice we refusit to do the same, and, persaving we wer leath to gif our pursis, pat violent hand on us, and with a drawin sword shamfullie, cruellie, and unmercifully invadit us of our lyves, hurte and woundit me the said Andro in the hand and hed to the effusioun of my blod; and thairwith he gaf a schout; quhairupon, tua uther personis comeing unto him, they had not failit to haif than murdreist us and bereft us of our pursis were not" (incomplete).—Indorsed "*Fiat ut petitur*, R. Cokburne."

John Moir against Walter Ogilvie and others for oppression.

221. Petition of John Moir of Cantlie, as follows:—(1) On 2nd April 1603, Waltir Ogilbie of Mylnetoun, Mr Patrick Duff in , and John Duff, servitor to the Earl of Sutherland, "all bodin in feir of weir," came to petitioner's dwelling house of Cantlie, believing petitioner to be there, "dang and brak the duris" thereof, entered "with drawin swordis in their handis," sought for him throughout the house, "scoggit the beddis and cutit the bedcloithis with thair swordis," using all means for apprehending him for his slaughter. (2) On 15th May 1603, the said Waltir Ogilbie and Mr Patrick Duff, with their complices, "all upoun horsbak," came to petitioner's lands of Cantlie, and "thair raid athorte his growand cornis of the same landis the space of twa houris," thereby making "a grite distructioun" of the same. (3) On 7th June 1607, Johne Urquhart and Adam Duff, servitors to the said Waltir Ogilbie, of his special causing, came to the said lands of Cantlie, took Elspet Muresoun, petitioner's servant, "and caryit hir away on horsbak to the said Waltir Ogilbie's place of , and detenit hir presoner in the said place all that day, scho being a frie subject."—Letters of charge are craved against the said persons.—Indorsed "*Fiat ut petitur*, R. Cokburne." Edinburgh, 21st March 1610.

John Hay and his wife against William Dunbar of Hemprigs and others.

222. Petition of John Hay, sometime of Urthmye, and Issobell Tulloch, his spouse, for letters of charge against William Dunbar of Hemprigs as principal, and Patrick Dunbar of Conzie and Mr James Dunbar of Tarbett as cautioners, at the horn since 27th July last for not redeeming from petitioners the half of the lands of Hemprigs, which sometime belonged to Robert Dunbar of Burgie, by payment of 5000 merks, together with 2000 merks of liquidate expenses, in terms of contract of date 23rd April 1608.—Indorsed "*Fiat ut petitur*, R. Cokburne." Edinburgh, 21st March 1610.

John Milne against Thomas Allan and others.

223. Petition of John Mylne, bower, burgess of Montrois, for summons against Thomas Allan in Balneillie, and Patrik Erskin, his son-in-law, at the horn since 8th March instant for not paying petitioner, as assignee to umquhile Margaret Melvill, spouse to umquhile Ninian Davidson, burgess of Montrois, £86 of principal and £20 of expenses; also against George Hardy in Balneillie, and the said Thomas and Patrick, as at the horn since the same day for not paying petitioner—the said Hardy, 100 merks of principal, £10 for registration of his obligation, and £5 for the charge, and the said Thomas and Patrick £32 as the price of Edinburgh, 22nd March 1610.

6 firlots of beir and 10 firlots of wheat.—Indorsed "*Fiat ut petitur*, R. Cokburne." Miscellaneous Papers.

Edinburgh, 22nd March 1610. 224. Petition of Cuthbert Peiblis, smith in Auchintibert, for summons against William Caldwall, town-clerk of Irwing, and John Hillowis, merchant there, for having come, with convocation of the lieges to the number of persons, "all bodin in feir of weir," to the dwelling-house of , within the said burgh, where petitioner "wes for the tyme in sober and quiet maner," and there without lawful warrant apprehended him, reft his purse with some money in it, together with his "sword, cloak, quhinzer, and uther abuilzeeament," carried him to the toilbooth of the burgh, put him in prison there, and kept him there "be the space of thrie dayis."—Indorsed "*Fiat ut petitur*, R. Cokburne." Cuthbert Peebles against William Caldwell, town-clerk of Irvine, and another, for illegal arrest and imprisonment.

Edinburgh, 23rd March 1610. 225. Petition of Margaret, Marioun, and Elizabeth Purdies, lawful sisters and heirs portioners to umquhile James Purdie, who was son and heir to umquhile James Purdie of Kynnaldy, and of Ninian M^cMorain, merchant burgess of Edinburgh, spouse to the said Elizabeth, and Mr David Prymrois, spouse to the said Marioun, for letters of charge against Alexander Ogilbie of Auchindorie, at the horn since 15th February last for non-payment of 3500 merks for the redemption of the annualrent of 350 merks "astrikit to be upliftit furth of the landis of Kennymekle, with the mylne and mylne landis thairof," and for not granting sufficient discharges on the receipt of the said principal sum.—Indorsed "*Fiat ut petitur*, R. Cokburne." Margaret Purdie and others against Alexander Ogilvie.

Edinburgh, 23rd March 1610. 226. Petition of William Sincler, writer, and Isobell Paip, his spouse, for letters of charge against David Sommervell of Plane, and Alexander Sommervell, fiar of Plane, at the horn since 26th of January last at the instance of Mr Alexander Keyth, portioner of Duffus, for not paying him the annualrent of 90 merks due since the decease of James Forrester, burgess of Stirling, and for not infefting the said Mr Alexander in the said annualrent, to be uplifted furth of the barony of Plane or any part thereof, to hold in free blench, under reversion for 900 merks, in payment and satisfaction of £760 contained in obligation granted by the said James Forrester to the said Mr Alexander Keyth; and also for not paying petitioner £12 of expenses and collector's silver, according to decreet obtained by the said Mr Alexander on 25th November last—to which the said William Sincler is assignee.—Indorsed "*Fiat ut petitur*, R. Cokburne." William Sinclair and his wife against Somerville of Plane.

Edinburgh, 24th March 1610. 227. Petition of Thomas Elder in Edinburgh, now servitor to Sir John Skene of Curriehill, Clerk of Register, for letters of charge against John Williamsone, elder, and John Williamsone, younger, in Arth, George Bryce, elder, there, Daniel Bryce, his son, there, and Thomas Adam there, at the horn since 7th October 1608 for certain debts to petitioner.—Indorsed "*Fiat ut petitur*, R. Cokburne." Thomas Elder against John Williamson and others.

24th March 1610. 228. Original of band by Thomas Nevin of Monkridding for Neill Montgomery and others, given *ante* p. 724. Neil Montgomery.

Edinburgh, 24th March 1610. 229. Sir James Hay of Kingask, knight, comptroller to the King, and "grite customar and searcheour of this kingdome," complains as follows:—Although, "in the Conference and Treaty of the Union of thir twa The Comptroller against certain persons for illegal export of linen yarn.

Miscellaneous Papers.

famous kingdomes of Scotland and England by the commissionaris deputed frome bothe parliamentis to that effect, thair wes ane act and article condiscendit unto and aggreit upoun anent the restraint of the exportatioun of lynning yairne furth of this kingdome," yet "a grite many of the merchantis and trafficquaris of this kingdome, preferring thair unlawfull gayne to the commounwele and to the obedyence of the law, ceiss not to intertein this unlauchfull, pernitious and forbiddin trade of transporting yairne at all tymes and occasiounis when thay do find the humour and dispositioun of skipparis, maisteris, and marinaris of shippis answerable to thair intentiounis." Thus, on 23rd of this instant month, Mr Thomas Barclay, complainer's depute, "hes challengit and apprehendit ane pack of yairne pertening to John Porterfeild, merchant burgess of Edinburgh, ane Inglis tree full of yairne pertening to Johne Wode in Prestoun panis, ane pack and ane litill tros full of yairne pertening to David Jonkene in , and ane pack of yairne pertening to William Bell in , all schipped in ane schip of Prestoun-panis callit , quhairof the said John Wode is maister, bowne to Lundone." The said yarn is now in the said depute's custody; and summons is craved against the said John Wode and the said merchants to compear before their lordships and have the ship and goods decerned to be confiscated.—Indorsed "*Fiat ut petitur*, R. Cokburne."

David Hodge against William Young.

230. Petition of David Hodge, maltman, for summons against William Young, mealman, for molesting him in the possession of his house and threatening his life.—Indorsed "*Fiat ut petitur*, under the pane of j^m merks, R. Cokburne." Edinburgh, 24th March 1610.

James Wright against George Home and another.

231. Petition of James Wricht, indweller in Edinburgh, for letters of charge against George Home and John Mandersoun, bailies of Duns, at the horn since 26th July last for not paying him £166 . 13 . 4, with £40 of expenses, conform to decreet of the Lords of Council and Session of 3rd June last.—Indorsed "*Fiat ut petitur*, R. Cokburne." Edinburgh, 26th March 1610.

James Donaldson and his curators against Crichton of Cluny and others for abduction and illegal detention.

232. Petition of James Donaldsone, son lawful to umquhile Mr James Donaldsone, advocat, and of Mr William Oliphant, Mr Alexander King, Mr Thomas Rollok, Mr Thomas Hoip, advocatis, James Kynneir and Peter Algeo, writers, his curators, in these terms:—"That quhair Sir Robert Creichtoun of Cluny, knycht, my uncle, Sir Robert Dalyell of Elyok, knycht, his bruther in law, and Sir Robert Dalyell of that ilk, knycht, sister sone to the said Sir Robert Creichtoun of Cluny, and myne the said James Donaldsonis neir kynnisman, haveing most unkyndlie resolvit to help thair awne fortounes by the utter wrack and overthraw of me and my poore and meane estait, I not haveing knawlege to governe myselff and my affairis aricht in this tyme of my minoritie and les age, and thair-withall finding that they could not effectuat this thair so malicious intendit purpois and interpryse aganis me be direct and avowed meanes, thairfoir they, accompanyit with Gavin Dalyell, bruther to the said Sir Robert, and utheris thair compliceis, all bodin in feir of weir with swordis, gantelettis, plaitslevis, and utheris wapponis invasive, upon the xxiiij day Edinburgh, 26th March 1610.

of Marche instant come, under clud and silence of nicht, to me within the burgh of Edinburgh, quhair I wes for the tyme in sober and quiet maner, and quhair I hoipit to haif livit in suritie of my selff and my estait under his Majesties peace, [when] they craftelie and subtilie, under the cullour, schaw, and pretext of a fals and counterfoote freindship falslie professit be thame to me, tranit me to a taverne hous within this burgh of Edinburgh, first drank me fow, and than pat violent hand on me, took and apprehendit me about xj of clok in the nicht, all the inhabitants of the said burgh being at rest, violentlie careit me captive away with thame to the place of Eliok, quhair they yit keep and detene [me] in strait presone and captivitie . . . . lyk as they intend before they put me to libertie to caus me mak and subscryve and delyver unto thame unlauchfull bandis, wreattis and securiteis of my landis and utheris my goodis and geir, to the undoing of me and my poore estait."—Letters are craved against the said persons charging them to compear before their lordships, present petitioner, and hear themselves decerned to set him at liberty.—Indorsed "*Fiat ut petitur*, R. Cokburne." Miscellaneous Papers.

Edinburgh, 26th March 1610. 233. Petition of William Jamesoun in Largo, and Henry Johnestoun and Symond Johnstoun there, for letters against David Quhyte in Kynnoch, Allan and George Quhyte, cordwainers, his brothers, there, Thomas Robertsoun there, and Patrik Frenche in Carrell, charging them to find caution for the indemnity of the complainers, their tenants, and servants.—Indorsed "*Fiat ut petitur*, the said Thomas Robertsoun under the pane of viij^{c} merkis and ilkane of the rest iij^{c} merkis, R. Cokburne." William Jamieson and others against David White and others.

Edinburgh, 26th March 1610. 234. Petition of Heleis M^{c}Fadzeane in Balgregane for summons against Alexander M^{c}Dowell in Culgroit, M^{c}Dowells, his sons, and Elvand in , for having come, with their accomplices, on Sunday the of April 1608, "bodin in feir of weir," with swordis, stalfis," etc. to the lands of , where the complainer then was, and there "cruellie umbeset" him, wounded him on the head, and "lameit and mutilat" him in the hand.—Indorsed "*Fiat ut petitur*, R. Cokburne." Heleis M^{c}Fadyane against Alexander M^{c}Dowell and others for assault.

Edinburgh, 26th March 1610. 235. Petition of John Murray of Touchadame for letters of charge against Daniel Bryce, son lawful to George Bryce, elder, in Arth, at the horn since 20th of March instant for non-payment of £800 and £100 of expenses, according to the obligation granted by the said Daniel to Alexander Mauchane in Corspatrik, and Jonet Bryce, his spouse, to which the complainer is assignee.—Indorsed "*Fiat ut petitur*, R. Cokburne." John Murray against Daniel Bryce.

Edinburgh, 29th March 1610. 236. Petition of William Young, "meilmaker" in Edinburgh, for suspension of letters of lawburrows raised by David Hodge, maltman, burgess there (*ante*, p. 841). Petitioner pleads (1) that he had given no just cause of offence against the said David, who, on the contrary, had been "boisting and minassing" petitioner continually "to renunce ane tak of ane laich dwelling hous." (2) That the said David had not given "his bodilie aith that he dreidis bodilie harme." (3) That the sum of 1000 merks of penalty is far above the regulated lawburrows for persons of the William Young against David Hodge for suspension of lawburrows.

Miscellaneous Papers.

complainer's rank, and ought to be modified to £40, for which he is willing to find caution.—Indorsed "*Fiat summonitio ut petitur*" to the 12th of April next, with suspension to the 20th day of said month, caution having been found by the complainer.—Subscribed "R. Cokburne."

John M°Adam against Alexander Moffat.

237. Petition of John M°Adam, merchant burgess of Edinburgh, and Elizabeth Graham, his wife, for letters of charge against Alexander Moffat of Davidschaw, at the horn since the last day of February last for a debt of "seven score tuelf pundis" of principal and £20 of expenses.—Indorsed "*Fiat ut petitur*, R. Cokburne." Edinburgh, 29th March 1610.

Patrick Lindsay against Lundie of that Ilk.

238. Petition of Patrick Lindesay, brother to James Lindesay of Dowhill, for letters of charge against James Lundy of that ilk, at the horn since 21st of March instant for non-payment of 3000 merks of principal and 500 merks of expenses, conform to obligation granted to John Chisholme at the Wodend of the Wester Wemyss, to which the complainer is assignee.—Indorsed "*Fiat ut petitur*, Mr G. Young." Edinburgh, 31st March 1610.

Hucheon M°Ky of Far.

239. Petition by Hucheoun M°Ky of Far, as follows:—"That, quhair I am ordanit be your lordshippis to find cautioun for my personall compeirance befoir your lordshippis sa oft as I salbe chargeit to ansuer to complaintis gevin in aganis me under the pain of v^{m} merkis, althocht it be of treuth that the remanent baronis and gentilmen of the countrey quhair I duell, sik as the L. Lovatt, M°Kanyee, Grant, the Schireff of Murray, and utheris, hes onlie found cautioun for iij^{m} merkis, and, they being men of better rank and estait nor I, it is no ressoun that I sould be burdynnit with a greiter soume nor thay, and seeing M°Kanyee is willing to act himselff as cautiouner for me under the pane of iij^{m} merkis, I most humelie beseik your lordshippis that he may be ressaivit cautioun under that sowme. And, wheras my residence and duelling is in the most remote part of the haill continent opposite to the Yllis, I having a nomber of ferryis to corse quhilkis in wynter ar almost unpassable, that thairfoir your lordshippis will appoint and ordane the citationis to be used aganis me to be upoun xxj dayis wairning, and that I be summond personalie or at my duelling place, and not be oppin proclamatioun at the mercat croce of Invernes, becaus thair is a very sure, free and peaceable passage throughout all my boundis, and thir chargeis be oppin proclamatioun at Invernes will nevir come to my knowlege, my duelling frome Invernes being foure or fyve scoir myllis, sua that I and my cautionaris may be drawin in ane hundreth inconvenientis yf suche chargeis be direct againis [me]. And, forder, seeing I haif suspendit sundrie hoirningis usit aganis me at the instance of the Erll of Caithnes, and hes found cautioun for my personall compeirance befoir your lordshippis upoun the xxj day of Junii nixt to ansuer to his complaintis, and that he intendis in this meantyme to use new summondis and chargeis aganis me, and sua to hald me in continual trouble in repairing and resoirting heir afoir the said xxj day of Junii nixt, quhilk day of necessitie I mon preceislie keepe, that thairfoir your lordshippis will continew all actionis betuix him and me intentit or to be intentit befoir your lordshippis unto the said xxj day of Junii nixtocum," Edinburgh, March 1610.

etc.—Indorsed "Billis in March 1610."—See *ante* p. 759, under date 5th March 1610. Miscellaneous Papers.

Windingtounrig and and Tinslawche, 3rd and 6th April 1610. 240. Band of caution by Robert Ellot of Reidheuch and Robert Scote of Harwodmyre for Walter Scott of Tuschelaw, 5000 merks, not to harm Robert Scot of Eidschaw. Subscribed by the cautioners in presence of Robert Ellot of Dunliebyres, Gilbert, his brother, James Scote, son of Walter Scote of Tuschielaw. The said Walter being unable to write, John Allane, notary, subscribes for him, in presence of George Wood, con-otary, James Scote aforesaid, James Dalgleis, servitor to the abovenamed Walter, Johne Scote of the Willies, and Walter Scote, son of Robert Scote, apparent of Tuschielaw. Walter Scott of Tushielaw.

Edinburgh, 5th April 1610 (date of receipt?). 241. Original, under the sign manual, of the Royal Letter, given *ante* p. 623, ordaining certain Councillors to examine, and if necessary by torture, Alexander Frieland, now a prisoner. Alexander Freeland.

7th April 1610. 242. Original of band by Robert Ellot of Reidheuch and Robert Scott of Hartwoodmyres for Walter Scott of Tuschielaw, for the indemnity of Sir Robert Scott of Thirlstane,—given *ante*, p. 726. Walter Scott of Tushielaw.

243. Original band by the same for the indemnity of Robert Scott of Eidschaw (*ante*, p. 726). Same.

10th April 1610. 244. Original of band by Donald M°Quene of Corribroiche for Angus Williamson of Tormett, given *ante*, p. 726. Angus Williamson.

Edinburgh, 18th April 1610. 245. Original of band by Williame Douglas for his father Sir Robert Douglas, given *ante*, p. 727. Sir Robert Douglas and his son.

246. Original of the reciprocal band by Sir Robert for his son, given *ante*, p. 727.

Edinburgh, 3rd May 1610. 247. Original of acquittance by George Oliphant of Bachiltoun to James Prymrois, clerk of council, as registered *ante*, p. 728. Acquittance by George Oliphant.

Thetford, 8th May 1610. 248. Letter under the sign-manual from his Majesty to the Council, directing the Chancellor Dunfermline and the Earl of Dunbar to choose commissioners and justices of the peace for all the shires. (Printed in full, p. 624, *supra*.) Royal Letter for appointing Justices of the Peace.

Thetford, 8th May 1610. 249. "James R.—It is our pleasure, will, and expres command that, aganis this ensewing Assemblye to be keipt at our citye of Glasgow, you sall haif in reddynes the sowme of ten thousand markes Scottis money, to be devydeit and dealt amonge suche personis as you sall holde fitting by the advyise of the Archbishoppis of St Androis and Glasgowe. And the same salbe thankfully allowed to you in your nixt accomptes. And thir presentis salbe a sufficient warrant unto you for that effect.—Gevin at our Courte in Thetforde the eight of May 1610.—To our right trustye and right weilbeloved couseing and counsellour the Erle of Dounbar, thesaurar of our kingdome of Scotland." Original of Royal Letter to the Earl of Dunbar, authorising expenditure of 10,000 merks in connection with the coming General Assembly at Glasgow.

25th May 1610. 250. Original of band by Johnne Johnstoun of Mostoun for Alexander Forbes of Towies, given *ante* p. 729. Alexander Forbes.

Ayr, 9th June 1610. 251. Band of caution by James Johnestoun, burgess of Ayr, that David Fergushill, burgess of the same, shall not harm David Craufurd, also burgess thereof. Subscribed by Johnstoun and Fergushill before Johne David Fergushill.

Miscellaneous Papers.

Osburne, dean of guild of Ayr, George Watt, merchant burgess there, and George Masoun, notary, writer of the band, and registered at Edinburgh 13th June 1610, by Mr Umfra Blinsele, advocate.

Fergushill and Johnston.

252. Original of reciprocal band by David Fergushill for James Johnstoun, given *ante*, p. 713. Registered as above. 12th June 1610.

Bruce of Airth.

253. Warrant, signed by the Chancellor, Dounbar, and the Earl of Glencairne, to Johnne, Earl of Wigtoun, to receive Sir Johnne Bruce of Airth from the Captain and Constable of Stirling Castle, transport him to Edinburgh, and deliver him to the Captain and Constable of the Castle there, to be kept in ward during their Lordships' pleasure. Stirling, 14th June 1610.

Alexander Campbell.

254. Original of band by Mr Bryce Blair of that Ilk for Mr Alexander Campbell and Mr Johnne Young, given *ante*, p. 732. 18th June 1610.

The Earl of Orkney's offers to his Majesty.

255. (1) In the matter of the Bishop of Orkney, the Earl of Orkney submits that the contract already drawn up between him and the Bishop by his Majesty's advice has been duly observed on his part, as the Bishop's acquittances will show; but, if his Majesty thinks the Bishop's revenue ought to be augmented, the Earl will satisfy his Majesty in this so far as his estate will bear. "The few lands of the bishoprik of Orknay ar nocht acquyrit be this Erle of Orknay, bot excambit be his father with the lait bischope of Orknay for the few landis of Halyrudhous, quhilkis far in valour exceidis the few landis in Orknay"; but the Earl is content to refer the matter to arbitration, choosing Lord Chancellor Dunfermline and Lord Treasurer Dunbar for his side, while the Bishop may choose two for his. (2) "As tuicheing the satisfactioun of the personis grevit," the Earl is content to submit himself to any four of his Majesty's Council, the said two Earls to act as oversmen in case of discrepancy. (3) "Tuicheing personis in Orknay nocht ansuerable to his Majesties lawes or that ar accomptit to haiff committit insolencies of laitt," the Earl will give caution to present them to justice or to "mak thame quytt all pairtes quhair he may command." Edinburgh, June 1610.

ADDENDA.

Edinburgh, 27th November 1607. Wages of the Border Garrison and King's Guard.

Duplicate, subscribed by the Chancellor and Lord Scone, of the Act of Council given at pp. 15, 16 *ante*, for payment of the wages of Sir William Cranstoun's Border garrison and of his Majesty's other guard. Borders, 1603-1604, fol. 36*a*.

Salaries of Border Commissioners.

Duplicate of the order in the same entry for the payment of the salaries of the Commissioners for the Borders, Sir William Seaton, Sir William Cranstoun, Sir Johne Charterhous, and Sir Jedeone Murray. Fol. 36*b*.

Royston, 20th January 1610. Act of Exoneration and Indemnity to Sir William Cranstoun and his coadjutors.

Copy of a Royal Letter of this date which gave occasion to the Act of Council of 15th February 1610, noted at p. 420 *ante*, in these words:—"The quhilk day ane signatur signed by his Majestie in favoures of Sir William Cranstoun was past and exped in Counsell." The regular Register being defective at that particular point (see the circumstances in footnote at pp. 414, 415), these words were supplied from the Book of Sederunts; and they are too brief a record of the transaction. What his Majesty directed, and what the Council expeded, was a new Letter of Exoneration under the Great Seal to Sir William Cranstoun and his assistants for his proceedings in the Middle Shires, formerly called the Borders. It is in substance a repetition of the previous Act of Exoneration and Indemnity, of date 2nd May 1609, given at p. 278 *ante*, and includes the same persons,—to wit, Sir William Cranstoun himself, his sons Sir Johne Cranstoun and James Cranstoun, his brother Johne Cranstoun, and his friends Alexander Cranstoun of Moreistoun and Johnne Cranstoun of Skaitisbus. These six persons having, "by directioun frome his Majestie, his Hienes Counsale of Scotland, and the Erll of Dumbar, his Majesteis Lieutennent in the Middle Shyres," been long engaged in the "prosecuteing of outlawis, rebellis, and fugitives, disturberis of the peace and quietnes of these boundis," and having often "bene enforced to raise fyre and in the preissing to tak some of these personis" and to "kill and slay some of thame and thair assisteris," there is the most absolute discharge to them and their followers from all responsibility for any such acts. Moreover, Sir William Cranstoun having, "in the tyme of the last troubles and disquietnes of the countrey made by the late forfalted Lord Maxwell," been directed by the Earl of Dumbar to "mak his stay sometyme at Lochmaben and otherwhile in Langholme," and having, for the maintenance of himself and his many followers in that service, had warrants from the Earl or the Privy Council for intromission with portions of the said Lord Maxwell's rents, there is discharge to him, in the same ample terms, from any obligation to account for these intromissions. Fol. 38*a*.

Edinburgh, 4th May 1610. Licence to Alexander McGill to go abroad.

Licence, passed under the signet, and subscribed by the Chancellor, Earl of Glencairne, and Bishop of Glasgow, to Mr Alexander McGill, provost of Corstorphin, "to pass furth" of the kingdom "to quhatsumevir pairtis beyond sey he pleissis," and there to remain for seven years, behaving himself always as a dutiful subject to the King. Commissions, 1607-1616, fol. 115*b*.

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